
LETTERS FROM INDIVIDUALS

41997 Spruce Lane
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July 12, 2002

Corps of Engineers Response

Dear Sirs:

I am commenting on the recent findings of Corps of Engineers about cost-benefit ratios of digging the Columbia River ship channel 3 feet deeper than the present, 40 ft channel.

The latest finding was that there is about a \$1.40 benefit above the \$1.00 cost ratio vs a 2.00 to 1.00 c/b in the Corps' previous, flawed analysis exposed by the Portland *Oregonian* as actually about \$0.88 benefit to \$1.00 cost.

I-1

I don't argue too much about actual cost/benefit as that is a figure that changes likely depending what values are used when. However, I fail to see what benefit a 43 ft channel vs 40 ft will really be from Astoria to Portland/Vancouver. Particularly in a five to ten year period when likely a 43 ft channel will be inadequate anyway. It seems to me it would be a heck of a lot smarter to unload at Astoria or Longview and barge the product on into Portland and vice versa. There's a world class anchorage in Tongue Point used by the Navy during WW II already in Astoria. And an existing railroad right of way and US highway which could easily be upgraded if necessary.

I-2


The environmental effects of deepening would undoubtedly be there at least in the dredge spoils dumping wherever they occur. Long term effects might be less, after the initial deepening. I assume about the same amount of dredging would be necessary annually after deepening to 43 ft that is necessary with the present channel. A major worry is what kind of hazardous materials would be dredged up from the new 3 feet of depth also, and what disposition to be made of them.

I-3

Another definite benefit of porting down river from Portland would be the lesser risk of ships beaching and hazardous substances being spilled into the Columbia River either from ships running aground or discharging bunker fuel etc. It seems to me that barges as on the Mississippi River and large rivers in western Europe is quite feasible and to be preferred over maintaining a 100 mile canal to Portland.

I oppose deepening the Columbia River channel to Portland on the above grounds.

Sincerely,



Jack G. Robinson

I-1. The referenced *Oregonian* story was unsupported by facts or calculations the Corps could verify. Regional port considerations in Longview or Astoria were addressed in the 1999 Final IFR/EIS, and were found to be far more costly than the channel improvement alternative.

I-2. Sediment testing throughout the navigation channel has shown that the material is clean sand. Over 100 separate Corps studies representing more than 4,000 samples on the Columbia River have been identified. This information was analyzed as part of the Corps' amendment to the Biological Assessment. This information continues to be updated. The Corps is actively populating the SEDQUAL database to include these identified Corps studies. The Columbia River is composed of a series of sand waves that is continually turned over, so that the material is well mixed and very homogeneous. The material that is dredged from the 40-foot channel will be the same material dredged for the 43-foot channel. The dredged material typically has less than 1% fines, which is the fraction that would carry any contaminants. Consequently, it is highly unlikely that any contaminants in any significant concentrations would be released into the environment.

I-3. If navigation were eliminated on the river, there would be a reduced level of risk, but the financial costs of replacing existing infrastructure with a regional port are substantial, and a regional port could not be constructed without environmental impact as well. These alternatives were evaluated in the 1999 Final IFR/EIS and were eliminated due to costs and concerns with implementing them. In 1986, Congress imposed cost sharing for this type of project, which requires a non-federal sponsor to fund 25% of the total project cost and 100% of all required infrastructure and land costs. We have had no interest expressed to date from an entity willing to cost share such an alternative.

From: Margaret Allman [darknessfalls@mindspring.com]
Sent: Tuesday, July 30, 2002 4:07 PM
To: Mr. Willis
Subject: Please study the Columbia River carefully before dredging

Corps of Engineers Response

July 30, 2002

Robert Willis
U.S. Army Corps of Engineers, Portland District
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Dear Mr. Willis,

The Portland District of the Army Corps of Engineers has proposed a \$156 million project to deepen the Columbia River Navigation Channel from 40 to 43 feet over a total of 106 miles. There are numerous economic and environmental concerns associated with this navigation project. The Corps attempts to address many of these issues continue to be insufficient. For this reason, I urge you to call for a wholly independent economic and environmental analysis of the Columbia River Channel Improvement Project. Such an analysis should include, at a minimum, independent evaluation of the Corps' cost-benefit analysis, the external costs to the economies of local communities dependent on the lower Columbia River, and the impacts of the project on threatened and endangered species.

I-4

The independent analysis should investigate the entire range of economic issues associated with the navigation project. The Corps analysis relies on projections that are unrealistic thereby inflating the benefits of the project while neglecting to include costs to local communities whose economies rely on the lower Columbia River. An independent analysis of these impacts must be conducted to fully understand the economic costs associated with this project.

I-5

The Corps analysis also neglects to answer key questions about the effects of this project on threatened and endangered salmon. Scientists have found that the Columbia River estuary offers critical habitat to threatened and endangered salmon and over 200,000 wintering waterfowl and shorebirds. Since 1850, the estuary has lost over 70% of its key historical wetland and riparian habitat, primarily due to the construction of agricultural levees and floodplain development. Furthermore, the Corps analysis focuses specifically on short-term impacts even though several scientists have noted that there could be significant long-term negative impacts to salmon.

I-6

Because of the outstanding environmental and economic issues associated with this project, I again urge you to call for a wholly independent review of the Columbia River Channel Improvement Project. There is simply too much at stake - federal and state taxpayer dollars and the critical habitat for threatened, endangered, and sensitive species - not to proceed with an independent review.

Please note that this message will also be sent to the Port of Longview.
Thank you for your consideration of my comments.

Sincerely,

Margaret Allman
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Note: This form letter was sent by many individuals. Their names and addresses are shown on the following pages.

I-4. The Corps has undertaken a thorough analysis of the costs and benefits associated with this project, and that analysis has been reviewed thoroughly by an external expert panel. The Corps has reviewed and responded to each of the panel's comments. The results of that review are available on the Corps' website at <https://www.nwp.usace.army.mil/issues/crcip/pubs.htm>.

I-5. Impacts to endangered salmon were evaluated in the 1999 IFR/EIS and biological assessment. They were further reviewed during the preparation of the second biological assessment; conducted with an interagency team throughout the reconsultation process. During this year long process, a panel of independent experts (from the university community) reviewed the original evaluation as well as the new information developed by NOAA Fisheries on contaminants that warranted the reconsultation. Contrary to your statement the assessment did evaluate long-term impacts. A monitoring program has been developed and is underway, gathering baseline information. These studies will continue for several years. The results and need for continued monitoring will be reviewed by a multi-agency adaptive management group. This process is discussed in Chapter 6 and 7 of the Final SEIS, which is available on the Portland District web page at <https://www.nwp.usace.army.mil/issues/crcip/pubs.htm>.

I-6. Comment noted.

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K R (2 letters)
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Sacramento, CA 95866

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Tim Reede
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Christine Richard
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Washington, NH 03280

Elise Richman
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Pamela Richter
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Donna Riddle
1238 Crest Drive
Eugene, OR 97405

Jesse Ritrovato
1503 East Grand Oak Lane
West Chester, PA 19390

Nicole Robinson (2 letters)
PO Box 213
Gazelle, CA 96034

Tammy Robinson
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Rachel Rocamora
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Charlene Root
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Elisabeth Ruppel
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Seth Silverman
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Citrus Heights, CA 95610

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Clinton, WA 98236

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Watervliet, NY 12189

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Marian Zimmerman
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Atlanta, GA 30316

Glen Zorn
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E-103
Everett, WA 98204

Kathryn Zuber
2231 NE. Bridgecreek Ave.
Vancouver, WA 98664

From: Donna Riddle [aqua4fun@hotmail.com]
Sent: Tuesday, July 30, 2002 12:27 PM
To: Mr. Willis
Subject: Please study the Columbia River carefully before dredging

Corps of Engineers Response

July 30, 2002

Robert Willis
U.S. Army Corps of Engineers, Portland District
P.O. Box 2946
Portland, Oregon 97208-2946

Dear Mr. Willis,

I-7 | The Army Corps of Engineers proposal to dredge Columbia River like a number of their other project is a poorly planned idea. It doesn't make either economic or environmental sense. The threat to salmon as not been sufficiently addressed nor has the impact of dumping the dredged materials, which are sure to have a lot of toxic waste. I think an independent alalysis is called for. Such an analysis should include, at a minimum, independent evaluation of the Corps' cost-benefit analysis, the external costs to the economies of local communities dependent on the lower Columbia River, and the impacts of the project on threatened and endangered species.

I-8 | Because of the outstanding environmental and economic issues associated with this project, I again urge you to call for a wholly independent review of the Columbia River Channel Improvement Project. There is simply too much at stake – federal and state taxpayer dollars and the critical habitat for threatened, endangered, and sensitive species - not to proceed with an independent review.

I-7 and I-8. See responses I-4 and I-5.

Thank you for your consideration of my comments.

Sincerely,

Donna Riddle
1238 Crest Dr
Eugene, OR 97405
USA

Corps of Engineers Response

From: William Feddeler
2311 NE 154th Circle
Vancouver WA 98686
Date: July 31, 2002
To: U.S. Army Corps of Engineers, Portland District
Topic: **Deepening of the Lower Columbia River:**

Between a rock and a hard place.
Longer, faster, higher: The Olympics
Deeper, wider, straighter: The Lower Columbia River

The issue is:

- ◆ To increase trade advantage for Oregon and Washington businesses and people along the Columbia, we are being asked to deepen the river channel by three feet.

The advantages to business and people are:

- ◆ Bigger ships with more cargo will be able to get up and down the estuary as least as far as Portland OR and Vancouver, WA.

One of the problems:

- ◆ Channel deepening will not allow passage for an increasing number of ships being built and used worldwide that are too large for the planned deepening. The project is too late with too little to be continually competitive. The channel needs to be deepened more than three feet now to really be competitive. Additionally, longer ships require a straighter and wider channel for safe passage.

The next step:

- ◆ Deepen, widen and straighten the channel another three or more feet to accommodate still larger ships in the future. Spend more money.

And the next step:

- ◆ Continue the previous step through time.

Result:

- ◆ The Columbia River Estuary becomes less and less a healthy biological regime, a scenic and geologic wonder and more and more a shipping channel.

Examples:

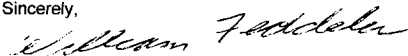
- ◆ The Chicago River.
- ◆ Most of the Mississippi.
- ◆ The Rouge River in Michigan (channeled, parts with concrete bottom and sides).

Among other problems are the large areas of river bottom composed of rock that have to be blasted away, a most expensive process and permanent fixture. Future deepening will require further blasting. That river damage will not go away.

Now, if that is what we want, than lets go for it. Money has been no object in the past. Hundreds of millions are spent on less righteous causes. The river can then be viewed as a money machine rather than a complex fishery, a scenic wonder, a place of solitude, a recreation destination, an historic treasure, a place of reverence for native peoples.

We could erect kiosks explaining the monetary gain to the businesses and our communities. Many of us view operating smoke stakes as the sign of money, jobs and good times. Besides, this section of the Columbia is overused already.... so what's the lose. Another answer is not to do it.

Sincerely,



William Feddeler

I-9. The comment mentions that the channel will be too small for many vessels. In reality, the larger vessels in the grain bulk trade are already moving on the Columbia River, and large container ships are already calling on the river also. The fact that ships could use more than 43 feet does not negate the benefits of a 43-foot channel.

I-9

Corps of Engineers Response

From: Christine Witschi [chrwitschi@yahoo.com]
Sent: Thursday, August 01, 2002 1:42 PM
To: Mr. Willis
Subject: Please study the Columbia River carefully before dredging

August 1, 2002

Robert Willis
U.S. Army Corps of Engineers, Portland District
P.O. Box 2946
Portland, Oregon 97208-2946

Dear Mr. Willis,

I-10

Please stop your plans to dredge the Columbia River. Enough critical habitat has already been destroyed in this country. This land doesn't just belong to us. It belongs to the animals too. We have no life without animals and plants, and we have no animals and plants without their habitat. For this reason, I urge you to call for a wholly independent economic and environmental analysis of the Columbia River Channel Improvement Project. Such an analysis should include, at a minimum, independent evaluation of the Corps' cost-benefit analysis, the external costs to the economies of local communities dependent on the lower Columbia River, and the impacts of the project on threatened and endangered species.

I-10. Comments noted. See responses I-4 and I-5.

Thank you
Please note that this message will also be sent to the Port of Longview.
Thank you for your consideration of my comments.

Sincerely,

Christine Witschi
86733 Lower Foorrmile Lane
Bandon, OR 97411
USA

From: Maura O'Connor [dervia@yahoo.com]
Sent: Saturday, August 31, 2002 12:43 AM
To: Mr. Willis
Subject: Columbia River Dredging Project

Corps of Engineers Response

August 31, 2002

Robert Willis
U.S. Army Corps of Engineers, Portland District
P.O. Box 2946
Portland, Oregon 97208-2946

Dear Mr. Willis,

I urge you to call for a wholly independent economic and environmental analysis of the Columbia River Channel Improvement Project. Such an analysis should include, at a minimum, independent evaluation of the Portland District of the Army Corps of Engineers' cost-benefit analysis, the external costs to the economies of local communities dependent on the lower Columbia River, and the impacts of the project on threatened and endangered species.

I-11. Comments noted. See response I-4.

The Corps has proposed a \$156 million project to deepen the Columbia River Navigation Channel from 40 to 43 feet over a total of 106 miles. There are numerous economic and environmental concerns associated with this navigation project. The Corps' attempts to address many of these issues continue to be insufficient.

The independent analysis should investigate the entire range of economic issues associated with the navigation project. The Corps' analysis relies on projections that are unrealistic, thereby inflating the benefits of the project while neglecting to include costs to local communities whose economies rely on the lower Columbia River. An independent analysis of these impacts must be conducted to fully understand the economic costs associated with this project.

The Corps' analysis also neglects to answer key questions about the effects of this project on threatened and endangered salmon. Scientists have found that the Columbia River estuary offers critical habitat to threatened and endangered salmon and over 200,000 wintering waterfowl and shorebirds. Since 1850, the estuary has lost over 70% of its key historical wetland and riparian habitat, primarily due to the construction of agricultural levees and floodplain development. Furthermore, the Corps' analysis focuses specifically on short-term impacts even though several scientists have noted that there could be significant long-term negative impacts to salmon.

I-12. Comments noted. See response I-5.

There is simply too much at stake - federal and state taxpayer dollars and the critical habitat for threatened, endangered, and sensitive species - not to proceed with an independent review.

I-13. Comment noted.

Please note that this message will also be sent to the Port of Longview.

Sincerely,
Maura O'Connor
124 Jeandell Drive
Newark, DE 19713
USA

*Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612*

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EM-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

I-14. Comment noted.

Enclosed please find my written comments regarding the Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement of July, 2002 of the Columbia River Channel Improvement Project.

I-14

Since attending a meeting hosted by the Corps of Engineers in Astoria on January 16, 1997, I have followed this issue quite closely. Reading letters which follow will explain why. You will see that my issue is government-subsidized hit-and-run in the form of property damage caused by ship wakes.

The Corps asked folks interested in the river what we thought. I have spent a great deal of time, effort and travel to represent my issues and collaterally the interests of other beachfront owners, and hoped to gain some sympathy. I believe my concerns are reasonable and I am disappointed to find no changes in the SEIS of July 2002 that would placate me in any way. The letters that follow are re-addressed and re-dated texts of letters of comment previously submitted. They are still valid.

Thank you,



Paul Vik
Puget Island resident

**Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612**

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EC-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

The Vik family arrived on Puget Island in 1913. John Vik, my grandfather, purchased his farm at Mile 43.8 in 1915. He maintained a floating boat moorage which existed on that location until 1955, five years following his death in 1950.

In the early 1950's dredges began widening the beach at mile 43.8 known today as East Sunny Sands. They pumped some loosely-connected islands between the mouth of the Slough (known to the Corps as Netrack Slough) at the west end of what is known locally as "the sand bar" and our moorage. (This was done over the objection of Mr. Fritjof Gilbertson, owner of Puget Island Boat Works because the resulting fill blocked his launching ways.) A gap was left for our moorage. Below there, a neat beach was constructed.

About that time my uncle Arthur Vik purchased a lot fronting on Netrack Slough. Owing to the problems of maintaining a moorage in the open river due to ship wakes, as well as a desire to create some order from the islands and mosquito bogs created by endspill above our property, the float was moved to Art Vik's waterfront in 1955 and maintained as a family moorage.

We are all familiar with scenes of fish houses from the New England States and Nova Scotia. They are on postcards and calendars all over the world. That is the kind of place this was. The float was large enough for two net racks and a bluestone tank. There was a marine railway large enough to haul a 32-foot gillnet boat and a net warehouse. Four Columbia River bowpicker boats, all Vik-owned, and several outboard skiffs and sailboats moored there. The lot to the west of Art Vik had a small float also. This was where the action was for East Sunny Sands kids in the summertime, the base for all our aquatic activities. Mothers wanting to contact their kids looked there first. It was a great place to grow up.

Prior to relocation of the Vik float, "the sand bar" on the main channel side had a narrow sandy beach against a mud cutbank. I suspect that this sandy beach was the result of early

I-15. The Corps has had several meetings and discussions with you and other residents of Puget Island concerning beach erosion and ship wakes. River currents and waves very easily erode the sand placed along the shoreline by beach nourishment disposal. As explained in the 1999 Final IFR/EIS, while ship wakes do contribute to the erosion, river currents and wind waves probably combine to cause most of the shoreline erosion. The rates of erosion vary with location and also appear to vary with time since disposal. Sand placed at locations such as Jones Beach (O-46.9) and the downstream tip of Puget Island (W-38.7) erode rapidly. Aerial photographs show average erosion along shoreline of the W-43.8 disposal site to have declined from over 20 feet per year between 1978 and 1983, about 11 feet per year from 1983 to 1990, and near zero between 1990 and 1997.

The Corps has abandoned most of the beach nourishment sites used in the past for a variety of engineering and environmental reasons as listed in Table 4-4 of the 1999 Final IFR/EIS. Some sites, such as O-46.9 and W-38.7, have been discontinued because they rapidly erode sand back into the navigation channel; other sites have been abandoned because they do not have sufficient capacity to meet disposal needs, such as W-47.5 and W-58.7; and still others have been abandoned because of critical fish habitat, such as W-42.5 and W-41.3. There is potential for erosion at the disposal sites on Brown (W-46.3) and Tenasillahe (O-37.6) islands. The disposal plan attempts to minimize future erosion by utilizing the upland portions of those sites, and not placing future disposal along the shoreline. While these sites are not perfect, they were the best available options in those locations. The Corps' efforts to find stable upland disposal sites near Westport, Oregon and on Puget Island met with strong opposition from local residents.

Corps of Engineers Response

“beach nourishment” but none had been done there for years. Not long after relocation of the Vik float, spoils were deposited all along "the sand bar" clear to its downstream end. The Viks and other owners on Netrack Slough objected, pointing out that filling so close to the slough mouth was going to result in shoaling when that fill eroded. That is exactly what happened. Sharp gray river sand began washing into the mouth of the slough, greatly accelerated by the violent surf generated by the surge that precedes a ship and by wakes in combination with shallow water.

Today the float has been abandoned to the owners of the next lot to the east who have no hope of maintaining it and waves break where the Vik float used to be. About 300 feet of “the sand bar” have eroded away and cottonwoods older than 1 (57 years) are falling in the river.

I-15

Today I own by inheritance 100 feet of John Vik’s original 300 feet of frontage. What would my lot be worth with a moorage attached? Were it not for ship wakes the Vik family would likely still have a moorage on the open river, Were it not for ship wakes and spoils mismanagement, the Vik family would have a moorage on Netrack Slough. Because of the ship channel we lost our moorage twice!

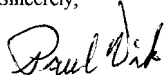
Appended to this letter is a copy of a newspaper article from the June 19, 1973 edition of The Daily News, Longview, WA, dealing with attempts to gain some satisfaction. (Peter Vik mentioned in the article was my father). You can see that the Corps then, like today, is shrewd about taking responsibility for damages.

Corps officials are trained to deflect such charges by pretending to assume that the damaged party is requesting a new public works project. We’ve heard that lately, as well as “cost benefit ratio,” “local funding,” etc.

I am not asking for compensation for our destroyed moorage: that is long in the past. What I am requesting is that provisions be made so this sort of abuse does not happen in the future. The Vik family has been the victim of government subsidized, aided and abetted hit-and-run!

Corps representatives responding to my comments above will defend themselves by citing laws and regulations preventing them from making things right. Well, the government owns the channel so the government needs to change the laws and regulations.

Sincerely,



Paul Vik
Puget Island Waterfront Property Owner

cc: Agency and public distribution

Corps won't dredge island slough

CATHLAMET — An attempt to persuade the Corps of Engineers to dredge Netrack Slough on Puget Island failed Monday when a corps representative denied that the agency was primarily responsible for siltation in the slough.

The meeting between several Puget Island residents and Don Price of the Army's Rivers and Harbors Division had been arranged by the Wahkiakum County board of commissioners. Nogi Fritzle and brothers Arthur, Peter and Britanus Vik declared that the slough

was no longer navigable except at high tide because the corps had dumped spoils in the area, and that river traffic had pushed the sand into the slough.

Fritzle added that his property was being eroded, and he asked that the bank be ripped and the channel opened to allow boats to get in and out. He said the channel used to be navigable.

And Arthur Vik told Price that originally the corps had agreed that the silting problem was caused by the dumping of spoils from work in dredging a 40-foot channel in the Columbia River. "Get a local agency involved, they told us," Vik went on, "and we'll do the work. Then after the port district agreed to act as the local agency, the corps did an about face and said they couldn't do it."

Price offered the comment that his study of past records indicated the channel had been accessible only during high water ever since 1937. "We have," he agreed, "dumped dredging spoils on either side of the channel and some of the shoaling is due to our spoils, but this is a minor part of the problem."

His statement drew a rebuttal from Britanus Vik. "I was here in 1913 and have soundings from that time. You didn't go back far enough, because the slough was already pretty well shut off by 1937."

"Well, we could correct it," Price said slowly, "but the project cost would have to be exceeded by benefits derived, and our study doesn't show that would be the case."

Bill Canham, chairman of the board of commissioners and a resident of Puget Island himself, asked Price if the corps would install a jetty to prevent sand from blocking the channel.

Price estimated the cost would be about \$200,000 plus maintenance, and said again that figure would have to be balanced against benefits. "I see no way you can get help from the corps or any other governmental agency," he concluded.

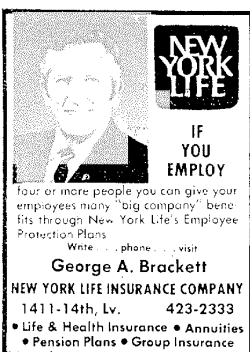
The disappointed Islanders remarked that their interests had been damaged by dredging designed primarily to benefit the Port of Portland. Along the same line, Prosecuting Attorney George Hanigan said he felt local interests had been damaged by a federal project — dredging the 40-foot channel.

"Does it make a difference to the corps," Canham asked, "between a slough with many people located on it and one with a few people?"

Price said it did make a difference, but he did not alter his stand when Fritzle pointed out that many more people would use Netrack Slough if it were opened. The slough is located on the Columbia River side of Puget Island, at East Sunnysands.

In other business, the board discussed the possibility of asking the State Highway Commission to increase the subsidy Wahkiakum County receives for operation of the Puget Island-Westport ferry.

The state pays 60 per cent of the operating costs and the commissioners thought 75 per cent would be more realistic. It was noted that the number of Cathlamet residents working at Wauna has declined in the past few years, with a resultant decrease in paid fares on the ferry.



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*Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612*

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EC-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Re: Columbia River Deepening EIS Final Draft, August 1999

Dear Mr. Willis:

Reading Sections 5.1.5.3, 6.2.2. , and 6.2.3.1, plus various Corps responses to comments, one gets the feeling that Corps' staff believes that landowners outside the dike on Puget Island have no business being there and are a nuisance best handled by ignoring, denying, passing the buck, etc. any responsibility toward them. I have been told that Corps staff members have remarked that structures should not be allowed outside the dike on Puget Island.

I-16. Comments noted. See response I-15.

I-16

When John Vik, my grandfather, came to Puget Island in 1913, there were no dikes. When the dikes were constructed about 1917, his house was left outside the dike as were most others. In those days travel was by boat so houses were near the riverbank and each had a boat landing. There are several houses still standing on East Sunny Sands Road that existed before the dikes were built, and many houses built since are on sites of houses torn down. John Vik moved his house, which still stands, to the inside of the dike after the dikes were completed, but maintained a float, net house, garage, water tower, on his land outside the dike. When he sold his farm in the late 1940's he built a house outside the dike and moved there. I am the owner and resident of that house today.

Over the years the Corps of Engineers has been the main force in facilitating development outside the dikes on the main channel side of Puget Island. I believe that when John Vik arrived here the river bank was mud cutback. However, I was born in 1945 and I don't remember anything but a sandy beach. My house is on sand fill that is dredge spoils deposited before my lifetime, and the sandy beach of my early recollection was the slope established when the spoils spilled over the cutback.

In the early 1950's the Corps began widening the beach on East Sunny Sands (River Mile 43.8.) In their efforts to gain permission to do so they asked landowners to sign easements to place sand against their property and in so doing emphasized the increase in value, potential future building lots, etc. I recall hearing a Corps representative in about 1955 or

1956 expressing his frustrations, ‘ “I can’t understand why people treat me with such suspicion. Think of all the free land we are giving them.” ’

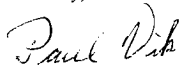
Corps of Engineers Response

The problem that landowners susceptible to wake damage face is that from the mouth of the river to Longview, they represent fewer than 400 votes, are divided into two states, five counties, and several Congressional districts. There are also few areas in the country, i.e. Sacramento River, Sabine River in Texas and the Mississippi River, where this situation exists. Any chance of influencing laws that will protect us, ha! We are only left to be stepped on. That leaves the courts as the only avenue of redress.

I-16

I was not against the 43-foot channel proposal to begin with, but I took interest because over the years I have seen abuses both in catastrophic wake damage and daily wear and tear. I tried to alert the proponents of the channel to our concerns so these issues can be addressed to our satisfaction and get us on your side. My time has been wasted. I have shifted my views to supporting a coalition out to block the project in the courts. I am sorry, there is no other choice now.

Sincerely,



Paul Vik
Puget Island Waterfront Property Owner

cc: Agency and public distribution

**Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612**

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EC-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

Chapter 5.1.5.3., Bank Erosion, "addresses" the role of ship wakes in regard to that problem. There are 2,000 ship calls per year to ports upriver of Puget Island. Each ship passes Puget Island twice, resulting in 4,000 wake events per year. That averages a wake event every 2 hours and 11 minutes.

The effect of these wake events on shallow sloughs and backwaters should be considered. In these waterways, particularly at their mouths, wake events frequently manifest themselves as violent surf. The visible waves that emanate from a ship are not the only cause, but preceding a ship as it moves through a narrow channel is a surge which typically manifests itself as a slight but rapid rise in water level. Following this rise, the water then lowers abruptly to a level below what it was originally. On mud flats and shallow sloughs this becomes a violent sloshing that lasts 20 minutes or more after the ship has passed.

I-17. Comments noted. See response I-15.

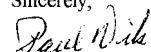
I-17

Between Puget Island and White's Island is a labyrinth of sloughs that are so affected. I grew up there, and a typical after-school activity was to row my 16-foot flatbottom skiff around "the Sand Bar" on which is disposal site 45. It became second nature to predict the approach of a ship by the behavior of the currents in these sloughs.

Tidal fluctuations generate currents also but they are gentle compared to wake events, no sloshing. There are 706 high waters in the 1999 Astoria Tide Table. This means 1,412 gentle current reversals to be compared with 4,000 sloshing ship wake events.

The destruction of the Vik moorage site on what the Corps calls Net Rack Slough was a result of this kind of damage. I have submitted several letters dealing with the Vik moorage and spoils disposal history at River Mile 43.8. I am told that there are on file at the Wahkiakum County court house aerial photographs furnished by the Corps of Engineers which verify my story. No doubt these photos and more are in the archives of the Portland office if anyone wishes to check.

Sincerely,



Paul Vik
Puget Island Waterfront Property Owner
cc: Agency and public distribution

*Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612*

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EC-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

See Volume 1 of Channel Deepening EIS Section 5.1.5.3. Your discussion seems to imply that the only bank erosion generated by the navigation channel project, past, present or future, is from shipwakes. River currents are considered natural so the channel project has no responsibility for their result.

You need to consider the results of your sand disposal at the site you call "Brown's Island." One of your objections to beach nourishment is that it is too costly because the material eventually erodes back into the channel and must be rehandled, yet you cling to beach nourishment at Brown's Island and the upstream end of Tenasillahee Island. In fact, the DMMS plan states that a benefit of using Tenasillahee Island is the restoration of the beach in this "highly erosive site." This is a glaring contradiction.

I-18. Comments noted. See response I-15.

I-18

I have been asking myself, why are not Brown's Island and Tenasillahee Island also costly since the sand deposited at these sites also erodes away?

During recent use of the Brown's Island site it suddenly became clear that much of the sand that erodes from that site migrates into the Cathlamet Channel, and the Corps expects to not have to deal with it again. There is another benefit to this, in that it reduces the cross section of the Cathlamet Channel, thus forcing water into the main channel, resulting in increased water flow and improved flushing there. Increased water flow and improved flushing can also be translated into bank erosion and higher water levels during freshet conditions.

In 1948 Puget Island suffered a flood. The water did not top the dikes; rather, the dike failed. On Christmas Day, 1964, water flowed across the dike on East Sunny Sands at "River Mile 43.8" in a thin sheet for about 1 hour. Veterans of the 1948 flood observing that remarked that it was higher water than in 1948. However, residents of the Welcome Slough area insisted otherwise and showed marks on docks, foundations, etc., to support their assertions. (The dike at mile 43.8 was raised in 1978.)

On January 20, 1996 there was a freshet condition, storm at sea, and high tide. Forecasters were predicting flooding, with much attention given to it by Puget Islanders. The water was high at

Corps of Engineers Response

River Mile 43.8, but no real problem. On February 6, 1996, we experienced the highest water ever seen at River Mile 43.8, nine inches higher than in 1964. I have lived here since birth in 1945 and vividly remember events when I was age two. My uncle was born on Puget Island in 1915. He was here (and is still living) before the dams and their touted flood control abilities.

However, a waterfront resident of the extreme west end of Puget Island and one on the Cathlamet Channel near the SR 409 Bridge reported that the water was higher at those locations on January 20th than February 6th.

By 1964 the Corps had had 16 years since 1948 to divert sand down the Cathlamet Channel. By 1996, 48 years had elapsed.

Therefore, Corps management of dredge spoils at the Browns Island site is resulting in a weir effect, with higher water levels and higher current velocities at River Mile 43.8 during freshet conditions. I discussed this in a one-on-one discussion with a Corps hydraulic engineer and he emphatically denied that it was part of a plan or that it was even happening.

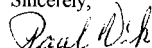
I-18

It makes no difference whether dredge spoils, washing into the Cathlamet Channel, are part of a plan or there by accident - the net result is the same. If the Corps had directed the dredge pipeline to discharge where the sand is going when it erodes from Brown's Island into the Cathlamet Channel it would have been prevented from doing so immediately. The same thing is happening in the Clifton Channel as a result of your management of your Tenasillahee Island site. Those side channels are a lot cheaper than an upland disposal site, right?

At any rate, reduced cross section of the Cathlamet Channel as a result of erosion from the Brown's Island site is responsible for higher flood levels and stronger current velocities resulting in increased bank erosion and other detriments in the main channel, both on Puget Island and the Oregon side of the river at n-file 43.8. Dike improvements carried out in the late 1970's protected the inside of the dike from flooding in 1996--and we are thankful for that--but these improvements did nothing to protect property owners outside the dike. One wonders if the Corps knew in the 1970's that the very scenario I have described was going to result, and the dike improvements carried out then and financed by Uncle Sam were necessary to prepare for the consequences.

The scenario I have described is the only plausible explanation for clinging to beach nourishment at those two locations, while abandoning it at other traditional sites such as Willow Grove, River Ranch, East Sunny Sands, Ohrberg's Beach and Vista Park.

Sincerely,



Paul Vik

Puget Island Waterfront Property Owner at Mile 43.8

cc: Agency and public distribution

Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EC-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

The 43-foot channel FEIS emphasizes a change in dredged spoils disposal from “beach nourishment” to “flow lane disposal.” One of the Corps' objections to beach nourishment is that beaches so formed are not stable and the material erodes back into the channel, necessitating rehandling which makes beach nourishment too costly. I fail to understand how placing the material elsewhere underwater would not have the same result. That procedure is, of course, compatible with hopper dredges which are unable to place material ashore. To employ pipeline dredges for flow lane disposal in areas suitable for beach nourishment is a doubtful reduction in cost.

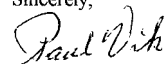
I-19. The change in practice from beach nourishment to other disposal options has been very effective for the Puget Island reach of the river. Currently, there is virtually no maintenance material to dredge in this stretch of the river because the change in practice has been efficient in reducing the dredging need by reducing erosion from shoreline disposal sites. Additionally, NOAA Fisheries will not allow repeated use of shoreline disposal.

We anticipate there will be some movement of sand placed in flowlane disposal sites. During construction, there are only a few areas in the entire project reach where flowlane disposal is used. Over time, there may be some re-handling of material placed in the flowlane but it is unlikely to migrate upslope into shallow side channel areas. The comment about salmon avoidance of deepwater areas pertains to juvenile salmon.

I-19 Bugby Hole is proposed as a flow lane disposal site because it is deep. I suppose the Corps thinks they can fill it. Sand has been migrating down the Columbia River for centuries. Bugby Hole has remained deep. The reason it is deep is because sand does not settle there. Do Corps planners believe that Bugby Hole will be a “stable” disposal site? I suspect they are hoping that as sand is washed from Bugby Hole it will find its way into Clifton Channel. The Cathlamet Channel at Puget Island and Clifton Channel are clearly being used as disposal sites. Dredged material is accumulating in those places. The FEIS needs to identify them as disposal sites.

Corps planners have stated that salmon avoid the deep areas of the river. The swing drift near Skamokawa is 90 feet deep. I graduated from Wahkiakum High School in 1963. In those days a kid whose dad had a drift right on the swing drift was among the elite.

Sincerely,



Paul Vik
Puget Island Waterfront Property Owner

cc: Agency and public distribution

***Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612***

Corps of Engineers Response

(360) 849-4109

September 7, 2002

U.S. Army Corps of Engineers, Portland District
CENWP-EM-E
Attn: Robert Willis
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

Please consider some thoughts herein submitted which I wish to have appended to my verbal remarks at the workshop in Kelso on December 19, 1998.

I-20. Comments noted. See response I-15.

At that time I described the action of ship wakes in the mouth of the slough on the upriver end of Puget Island meeting the river between disposal sites 43.8 and 45.0 and the resultant erosion of the downstream end of the "the sand bar," the island on which is located disposal site 45.0.

I-20

Erosion caused by ship wakes has been mentioned at Environmental Roundtable meetings, in one-on-one discussions, and in written comments. Standard Corps response is that wind waves, current and tidal action are causing erosion and, while the ships wakes contribute to the problem, they are not the main event.

Wind waves do not push a surge ahead of themselves causing rapid fluctuations of water level as does the passing of a ship. The surge that precedes a ship has been used to raise the water level to assist in freeing stranded vessels by deliberately steaming a ship at full power as it approaches the scene of the stranding. (Ask the pilots about this). The effect of that surge upon shallow water is what I described December 19th.

Also, there were 705 tide cycles in 1998. In the backwater sloughs, as at the upper end of Puget Island, these cause current reversals regardless of river level. 705 cycles X 2 directions per cycle = 1,410 current changes.

There are 2,000 ships calls per year above Puget island, resulting in 4,000 wake events per year. A typical wake event causes the water to rise, lower, rise,

Corps of Engineers Response

lower, then return to normal level. In shallow slough mouths this combines with swells to result in violent action. Tidal fluctuations result in gentle buildup of flow in shallow sloughs and do not muddy the water as do ship wakes.

In my verbal remarks I recall stating that 4,000 ship transits per year average a wake event every 2 hours and 11 minutes. 705 tide cycles per year x 2 results in a current change every 6 hours and 13 minutes on the average.

Thank you,

A handwritten signature in cursive script that reads "Paul Vik".

Paul Vik
Puget Island resident

Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612

Corps of Engineers Response

(360) 849-4109

September 7, 2002

Mr. Robert Willis
U.S. Army Corps of Engineers
Portland District, CENWP-EM-E
PO Box 2946
Portland, OR 97208-2946

Dear Mr. Willis:

The objectivity of any environmental impact statement is always in question since the statement is prepared by the proponents of the project. Objectivity nonetheless is the goal. However, in response #13 to comments of Ben Meyer of NMFS in Volume II: Comments and Responses, August 1999, we learn that "Corps regulations preclude us from including costs associated with erosion to beaches or structures built on fill outside of flood control structures on a federally sponsored navigation channel."

I-21. Comments noted. See response I-15. Further, while costs associated with beach erosion are not included in the analysis of national costs and benefits for the project, the potential for the project to cause limited erosion in certain reaches of the river is analyzed in the Final SEIS. The Corps, therefore, disagrees with the statement that the SEIS is not a "complete and objective report."

I-21

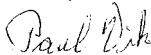
Thus we have in print the fact that before the Corps began preparing the channel deepening EIS, they were precluded by law from writing a complete and objective report.

Imagine a private corporation stating that "we don't have to evaluate certain aspects of our impacts because our board of directors passed a resolution prohibiting us from doing so."

If the Corps is handicapped by law from writing a complete EIS then the Corps is not qualified to write that statement. How may other such regulations have affected this EIS?

Government projects must be held to the same criteria as are private sponsors.

Sincerely,



Paul Vik
Puget Island Waterfront Property Owner

cc: Agency and public distribution

Paul Vik
152 East Sunny Sands Rd.
Cathlamet, WA 98612

Corps of Engineers Response

(360) 849-4109

January 21, 1999

President Bill Clinton
The White House
Washington, DC 20510

Dear Mr. President:

According to a short newspaper article that appeared during 1998 in The Daily News, Longview, Washington, you hosted the President of either Uruguay or Paraguay on a tour of Gulf Coast navigational channel dredging projects to point out serious environmental consequences of such development. His government is proposing to undertake the construction of a long channel to facilitate passage of ocean vessels up a river there and the article concluded by quoting your statement, "The United States Government does not want that channel constructed."

The US Corps of Engineers has been studying the deepening of the Columbia River navigational channel from an authorized depth of 40 feet to 43 feet.

I-22. The President's positions on projects in Uruguay or Paraguay are unrelated to the President's position on the Columbia River channel improvement project.

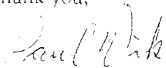
I-22

The Feasibility Study and Environmental Impact Statement has been issued and their recommendation to Congress is to proceed with the project.

I have followed this study rather closely over the past two years by attending ten public meetings hosted by the Corps and submitting both written and verbal comment. I have heard of no opposition to this project from your office.

My question is this: How can you oppose a navigational improvement in a foreign country when a project involving 18 million cubic yards of spoils is being proposed in your own country?

Thank you,



Paul Vik

cc: Sen. Slade Gorton, R-Wash.
Sen. Patty Murray, D-Wash.
Rep. Brian Baird, D-Wash.

9-12-02

Dear Commander,

We are adamantly
opposed to dredging the
Columbia River
Channel ^(deeper) beyond 40'.

This project should
not be done. It will
devastate the Lower
Columbia ecosystem
and the economy of
the region.

Sincerely,

Willetta Eastland
William A. Eastland



Mr. & Mrs. William Eastland
92581 Tomberg Rd.
Astoria, OR 97103

503-458-6641
apanda2pacific.com

I-23. Your comment is noted but we do not agree that the economy of the region or the Lower Columbia River ecosystem will be damaged by this project. Please refer to both the economic analysis and the ESA consultation published for this project.

Corps of Engineers Response

September 12, 2002

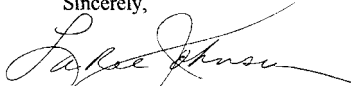
To Whom it May Concern:

I-24 I was unable to attend the meeting in Astoria. I am against deepening the channel and causing any more interference to the river ecosystem.

Man in his infinite wisdom seems to destroy so much of what he loves. We love the river and yet we dam it, pollute it and try to alter it to suit our needs and greeds. We need to learn to appreciate our environment rather than control it.

Everyone has stated the reasons a hundred times. I won't waste ink or paper. I am a resident of Astoria, and I vote NO. I oppose dredging. Bigger is not better, and there is always a price to pay. Sacrificing our environment and the fish is too big a price.

Sincerely,



LaRee Johnson
P. O. Box 601
Astoria, OR 97103

I-24. The Corps' analysis shows that this project will result in economic benefits to the nation. The Corps has reviewed the project for environmental impacts. The project includes mitigation that avoids, reduces and minimizes environmental impacts, and where appropriate compensates for environmental impacts. The project also includes ecosystem restoration features intended to aid in the recovery of endangered species.

September 12, 2002
Astoria, Oregon 97103

Corps of Engineers Response

U S ARMY CORPS of ENGINEERS
COMMANDER
USAED-Portland-(ATTEN: CENWP-PM-E)
PO BOX 2946
Portland Or 97208

COLUMBIA RIVER CHANNEL IMPROVEMENT PROJECT

Draft SIER and EIS

Commander,

As a long time Commercial Fisherman on the Columbia River and resident of the Astoria area in Clatsop County I must recommend rejection of the Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement in its present amended form. It still leaves too many Negatives and Potential Problems related to the huge deepening project proposed for the Columbia River from Astoria to Portland and actually creates new nemeses that were not in the Original Draft.

It is my feeling that if the COE and sponsering agencies had given , originally at the outset 10 years ago, equal consideration and importance to all river groups and users, this problem of moving commerce would have been compromised and solved long ago. There are other methods and ways of doing this that would fit our fragile system and still maintain a viable transportation network without stirring things up much more than they now are.

I-25. See responses I-3 though I-5. Please refer to the two new biological opinions received for the project. The three federal agencies believe the proposed project including restoration features will aid in the recovery of the listed species.

I-25 We are dealing with the greatest most versatile river on the Pacific Coast and perhaps in the entire United States, and when considering its water, its fish(most importantly salmon) and wildlife as well as the environment and land forms we must be extremely carefull about drastic changes. Just because we "can do it" doesn't necessarily mean "we should do it."

It is evident that we have reached the "saturation point" of maintaining the "status quo" of a natural river or creating a "stagnant, man manicured, artificial series" of ponds and ditches. It is time to say "Big is Big Enough" and "Deep is Deep Enough".

Portland is not now, nor will it ever be a deep water port. To attempt this project towards that end would be playing "Russian Roulette" with our environmentally sensitive river. Lets not make the same overdevelopment mistake that we made on the upper river with its hydropower system, on the lower river.

I continue to say no, there is a better way.

Thank You,



Jon Westerholm
Member Salmon For all & CRFPU
93798 Jackson Rd
Astoria, Oregon 97103

September 13, 2002

Comander,
USACE-Portland
Attn: CENWP-PM-F (CRCIP)
P.O. Box 2946
Portland, Oregon 97208

Commander:

The plan to deepen the channel of the Columbia River from the ocean up to Portland is unreasonable. The costs of all kinds are much too high and the benefits too low.

I-26 What would be done with the immense amount of dredge spoils is a pressing question. It is already difficult to deal adequately with the smaller amounts created during maintenance dredging.

I-27 What is in the layer from 40 to 43 feet is a large question. There are sure to be some contaminants we would rather not stir up.

I-28 The 'wetlands' which have been created as mitigation in the past have often been inadequate in quality and quantity. To create better wetlands which function more as do their natural counterparts would be VERY expensive. What is currently proposed for mitigation is quite unacceptable

I-29 To deepen to 43 feet would allow SOME modern ships to enter, while many others would continue to be excluded. Why should all of us along the lower Columbia, folks who live here, raise our children here, picnic and swim here, be subjected to this hornswoogle in order that a few large (generally foreign) ships can more efficiently pass us by....

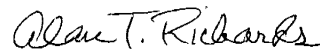
I-30 We like to imagine a more sustainable world. That world would surely include cooperation in which large ships would call at the COAST, from which goods would be transported by means of rail (much more efficient than by truck).

I-31 We feel for those in Portland whose port jobs would be lost or limited by such a reasonable system, but we would support efforts to help them in the transition to new employment. The Army Corps of Engineers needs to find other, more positive projects, on which to focus its efforts. This one is an unhealthy budget-buster.

Sincerely,



Ann MuschE
Alan T. Richards
250 Knappton Road
Naselle, WA 98638



Corps of Engineers Response

I-26. The Corps' analysis shows there are economic benefits to the nation to implement this project. Both NOAA Fisheries and the USFWS have issued opinions that conclude the project can be implemented without jeopardizing ESA stocks. We have prepared a very detailed plan for the dredged material removed during construction of this project as well as future maintenance of the deepened channel. Please refer back to the 1999 Final IFR/EIS and the Supplemental EIS for those plans.

I-27. Sediment testing throughout the navigation channel has shown that the material is clean sand. Over 100 separate Corps studies representing more than 4,000 samples on the Columbia River have been identified. This information was analyzed as part of the Corps' amendment to the Biological Assessment. This information continues to be updated. The Corps is actively populating the SEDQUAL Database to include these identified Corps studies. Representative sediment samples were collected in 1997 from areas in the Columbia River that would require dredging if deepened for this project. A total of 67 separate shoals were identified and tested. The information generated by this effort is presented in Appendix B of the 1999 Final IFR/EIS. The data generated show the material to be dredged is clean sand with very low percent fines or organic material and the few contaminants when found are at concentrations well below established levels of concern.

I-28. The Corps disagrees that the wetland mitigation proposed for this project is unacceptable. Corps mitigation efforts are based upon utilization of the USFWS's Habitat Evaluation Procedures (HEP). This analysis addresses habitat quantity and quality for both impact (disposal) and mitigation sites. HEP is a credible methodology to evaluate project-related, including wetland habitat, impacts and gains (mitigation sites). The Corps utilized an interagency process to develop the mitigation plan. Our wetland mitigation areas are relatively large and integrated into blocks of land containing riparian forest elements. The Woodland Bottoms and Martin Island mitigation locations are adjacent to natural wetland and riparian forest habitat, thus they provide a travel corridor for wildlife along the Columbia River. Based on past experience with similar projects, the Corps is confident the proposed mitigation projects will be successful. Further, the mitigation plan includes performance standards against which mitigation will be measured through future monitoring.

I-29. The Columbia River is a resource to the region with users and neighbors ranging from farmers and ports to ships and fishermen. Additionally, there are many recreational users. These multiple uses generate conflicts. The purpose of the NEPA analysis is to consider the environmental impacts of the proposed project, often times on competing interests.

I-30. The concept of a regional port in Astoria was discussed in the 1999 Final IFR/EIS. The costs of such a port would be extremely high, particularly considering the complete lack of supporting infrastructure (rail and highway). The environmental impact to the estuary would likely be significant as well, as there is limited viable land in the area, and port development would likely require some fill of existing habitat.

I-31. The Corps disagrees. The benefit to cost analysis for this project clearly demonstrates it is in the federal interest to deepen the Columbia River. Please refer to Exhibit L for additional information. Also, see response I-24.

September 13, 2002

Commander,
USACE-Portland
Attn: CENWF-PM-F (CRCIP)
P.O. Box 2946
Portland, Oregon 97208

Commander:

We are writing to persuade you to abandon the channel ^{deepening} ~~widening~~ project on the Columbia River.

As new parents we are concerned about the sediments, long-undisturbed, which would be dug up in order to create a 43-foot-deep channel. These sediments would be spread around in abundance on the shores along which our family lives. We feel that the huge amount of material, even if it were entirely benign, is too much for our region to absorb without damage to our landscape, to our environment.

We wish that you would see that the costs of this project are far beyond any benefits

Sincerely,



Lisa Trudell
Tom Trudell

I-32. The material to be dredged and disposed from this project is clean sand with very low percent fines or organic material and the few contaminants when found are at concentrations well below established levels of concern. See response to I-27, and Appendix B of the 1999 Final IFR/EIS. Shoreline disposal will be restricted to three existing disposal sites where the material will serve beneficial uses, such as shore protection and sand supply. This will result in less shoreline disturbance than has occurred in recent years. Some of the upland disposal sites and shoreline disposal sites are also beneficial use sites where the material may be used for sand supply, recreation and/or conservation purposes.

William Michael Jones

2716 NE Mason
Portland, OR 97211
503-284-0502

Corps of Engineers Response

September 15, 2002

Michael Zevenbergen
Environmental Defense Section
U. S. Department of Justice
7600 Sand Point Way, N.E.
Seattle, WA 98115-0070

Thomas E. White
Secretary, United States Army
Office of the Army
The Pentagon
Washington, D.C. 20460

Commander, U.S. Army Corps of Engineers-Portland
Attn: CENWP-PM-F (CRCIP)
P.O. Box 2946
Portland, OR 97208-2946

Laura Hicks
Planning, Programs and
Project Management Division
Portland District Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

RE: Reconsideration of the Columbia River Channel Improvement Project and the Columbia River Channel Deepening Project

Dear Sirs:

I am William Michael Jones. I live at 2716 N.E. Mason, Portland, Oregon. I am the Plaintiff in a civil action in which you are collectively the federal defendants. That action is captioned Jones v. Rose, (CV-00-1795-JO). I am reliably informed Michael Zevenbergen represents the federal defendants, although he has not to my knowledge appeared before the court. Part of my purpose in writing this letter is to welcome Michael Zevenbergen to *Jones v.*

I-33. Comment noted.

I-33

Corps of Engineers Response

Rose. Part of the purpose of my letter is to raise issues as comment rather than litigation concerning the Columbia River channel deepening and maintenance. Please consider this letter comment in any public review process concerning Corps of Engineers dredging in the Columbia River below Bonneville dam. In particular consider this comment as a continuation of the testimony offered in Vancouver, Washington on July 31, 2002, and a continuation of testimony offered previously in NEPA processes concerning channel deepening of the Columbia River.

I-33 I have recently participated in the process in which the U.S. Army Corps of Engineers, Portland District, is preparing to supplement the Final Integrated Feasibility Report / Environmental Impact Statement for the Columbia and Lower Willamette River Federal Navigation Channel Oregon and Washington.¹ The final report was last circulated in 1999. This project is also known as “The Columbia River Channel Improvement Project and the Columbia River Channel Deepening Project.”

I-34 The process to supplement the CDEIS is reconsideration that presents an opportunity to resolve issues in a forum rather than in court. Despite the fact that I make the claim that the Channel Deepening EIS (“CDEIS”) was made void when National Marine Fisheries Service, (NMFS), withdrew their opinion in other litigation.²

I-34. Comment noted. NOAA Fisheries withdrawal of its 1999 Biological Opinion has no effect on the validity or adequacy of the 1999 Final IFR/EIS. The SEIS provides new and updated information to complement the information originally provided in the 1999 Final IFR/EIS. Much of the new information results from the ESA reconsultation.

¹ For the lack of a better short hand notation, I will for the purposes of this comment use: “CDEIS” for “Final Integrated Feasibility Report/ Environmental Impact Statement, for the Columbia and Lower Willamette River Federal Navigation Channel Oregon and Washington,” and “Supplemental CDEIS” for its supplement. In addition I will use the short hand notation “DMMS” for the document entitled “The Columbia and Lower Willamette River Navigation Channel Integrated Dredged Material Management Study” and the notation “O&M SEIS” for the document entitled “Supplemental Environmental Impact Statement.”

² As a result of its inadequate biological opinion (BiOp), Northwest Environmental Advocates, (NWEA) sued the National Marine Fisheries Service in February, 2000. The Ports intervened in the lawsuit and both the Ports and NMFS asked the court to dismiss the case. Judge Barbara Rothstein ruled in NWEA's favor. As a result of Judge Rothstein's ruling, NMFS withdrew its biological opinion in a letter to the Corps on August 25, 2000. The letter explained NMFS' ongoing disagreement with the Corps about specific details of the studies and uncertainty that the biological opinion's conservation measures would adequately offset the impacts of the project, in light of new information about the estuary.

The failure of the Corps to adhere to the procedures required by NEPA in producing the CDEIS has resulted in a study that substantively fails to provide the Corps of Engineers with the information needed to make a rational decision on whether this project should proceed. I do not attempt to determine the outcome of that decision, but only hope to influence the Corps to adhere to the procedures required by law.

To this point my attempts to be involved in the public interest review of both channel deepening and Corps maintenance dredging have frankly been a waste of time. The Corps has simply ignored every point that I raise in my attempts to achieve reasoned consideration of channel deepening and maintenance dredging.

It is possible for the reconsideration to moot many of the claims I make in the current litigation. I doubt, however that Corps reconsideration will moot the current litigation, because the CDEIS is heavily tiered on previous NEPA documents that I do challenge in *Jones v. Rose*.

I-35 The Columbia River Improvement Projects process is fundamentally flawed because the Corps fails to realize that the deepening project reauthorizes an entire new maintenance program; the SCDEIS must not build or tier on a maintenance program that it will replace. The Portland District Corps has for many years acted as if the commonly accepted rules and laws did not apply to the Civil Works division. *Jones v. Rose* attempts to resolve this lawlessness.

I apologize in advance for the length of the argument found in this comment. The PD-Corps has attempted to avoid reasoned decision making by truncating the CDEIS. One of the major ways the PD-Corps truncates consideration is by attempting to grandfather or tier upon past illegal actions and processes.

In an attempt to remove those issues from the litigation prior to providing the long argument necessary to rebut the validity of the CDEIS and its supplement, I will take this

Corps of Engineers Response

I-35. As demonstrated below and throughout these responses to comments, the 1999 Final IFR/EIS and the SEIS together satisfy the requirements of NEPA and provide the Corps and the public with all information needed to make an informed decision on the channel improvement project. Contrary to the comment, these documents do not ignore the effects of maintenance, rather, they evaluate the effects of both construction of the improved channel and subsequent maintenance.

opportunity to provide the Corps a list of corrective actions that would moot many of the issues before the Court in *Jones v. Rose* concerning the CDEIS and O&M SEIS.

Corps of Engineers Response

ACTIONS NECESSARY TO VALIDATE THE SUPPLEMENTAL CDEIS:

- I-36 1. The site listed as number 1 in the BIOLOGICAL ASSESSMENT COLUMBIA RIVER CHANNEL IMPROVEMENTS PROJECT TECHNICAL APPENDICES Volume II December 28, 2001 APPENDIX C. PROPOSED DISPOSAL SITE DESCRIPTIONS, • West Hayden Island, O-105.0, is the site of admitted illegal fills and other alleged illegal actions, and has never been properly specified as a dredged spoils disposal site under CWA 404. This site should be removed from the Supplemental CDEIS until issues surrounding its illegality are resolved in *Jones v. Rose*.
- I-37 2. The Portland District Corps (“PD-Corps”) must accept the fact that the High Tide Line is the jurisdictional limit of the waters of the United States when applying the Clean Water Act below the Bonneville dam. Because an EIS is required to consider the impacts of a project relative to the applicable laws, the supplemental CDEIS must reflect the strictures of the CWA. The CDEIS fails to reflect the correct jurisdictional limits of the CWA in many ways. This failure is particularly obvious in a mistaken concept prevalent in the CDEIS and Supplemental CDEIS. That concept implicitly states that an area that is not a wetland is upland. This concept must be corrected, because many impacts to the waters of the United States are denied consideration, being thought to be uplands. This idea is part and parcel of two additional errors that have vitiated reasoned consideration of impacts and the requirement of federal law. The first error is the Corps refusal to understand that the jurisdictional limits of the CWA exceed the jurisdictional limits of the Rivers and Harbors Act. The second is the Corps’ refusal to accept the well-know physical fact that the Columbia River is tidal below the Bonneville Dam.

I-36. The Corps disagrees with the allegations in this comment regarding the West Hayden Island disposal site (O-105.0). These allegations are the subject of ongoing litigation in *Jones v. Rose*. Unless and until the court rules otherwise, site O-105.0 as a whole is a lawful disposal site and will remain part of the Corps’ ongoing maintenance program and of the proposed channel improvement project.

There are several small areas on the borders of and within site O-105.0 in which, wholly unrelated to the channel improvement project, dredged material was historically discharged without authorization. The affected areas have a combined size of slightly over 1 acre out of the 120-acre disposal site. The Port of Portland has applied for an after-the-fact permit for these discharges. The Corps is currently reviewing the Port’s application. The Corps will not place fill in waters of the United States within site O-105.0 as part of the channel improvement project.

I-37. The jurisdictional limits of the Clean Water Act are the subject of ongoing litigation in *Jones v. Rose*. As the commenter well knows, the Corps interprets the Clean Water Act as establishing the Ordinary High Water Mark as the jurisdictional limit, not the High Tide Line.

3. The Supplemental CDEIS should reflect and account for the legal requirements of the CWA.

Corps of Engineers Response

I-38 The CWA requires site-specific specification for each disposal site, complete with notice and opportunity to comment. It ordinarily would be the case that this review would be separate from a Programmatic EIS, but the PD-Corps feels that mention of a site in the Programmatic EIS with a Record of Decision, (ROD) and a programmatic 404(b)³ complies with CWA § 404. Before channel deepening begins, each site of dredged spoils disposal⁴ must be properly specified under the Clean Water Act § 404. Black letter law has determined proper site-specific and programmatic reviews under the CWA should be separate from the EIS and requires a separate ROD for CWA compliance. Cost for CWA § 404 compliance in addition to the Supplemental CDEIS are costs that must be accounted to the proposed project.

I-39 A. If the Corps plans to continue their illegal method of specification of dredged spoils areas, at a minimum, the Supplemental CDEIS should identify which actions in waters of the United States will be given separate 404 review. The Corps could, under CWA § 404(e), propose types of Civil works disposal areas, but to this point that national option has not been taken. Because in the past no individual maintenance disposal site has been reviewed separately, it must be assumed all sites that will receive dredged spoils from construction or maintenance of the deeper channel will receive their full Corps public interest 404 review in the Supplemental CDEIS.⁵

I-38. The revised 404(b)(1) evaluation that accompanies the Final SEIS satisfies the requirements of the Clean Water Act. The 404(b)(1) evaluation was distributed for public review and comment prior to any action by the Corps, and has been revised in response to public comments. The evaluation addresses the requisite factors set out in the joint USEPA-Corps guidelines for each incidence of discharge of dredged or fill material into waters of the United States that is associated with the channel improvement project and that would require an individual (as opposed to nationwide) 404 permit if not part of a Corps project. *See* 40 CFR Part 230 (guidelines); 33 CFR 336.1 (Corps' consideration of same in Corps' dredging projects). Specifically, the 404(b)(1) evaluation provides detailed information about dredged material discharge at: the two upland disposal sites with wetlands; flowlane disposal sites; three shoreline disposal sites; two sumps; one wetland mitigation site; and several ecosystem restoration sites. The evaluation makes the requisite factual determinations and findings of compliance for each discharge associated with the project, and concludes that the discharge is in the overall public interest.

I-39. The Corps disagrees with the comment's characterization of Corps' disposal site selection. As noted above, the revised 404(b)(1) evaluation that accompanies the Final SEIS addresses each incidence of discharge of dredged or fill material into waters of the United States that is associated with the channel improvement project and that would require an individual permit under Section 404 of the Clean Water Act if not part of a Corps project. However, because certain discharges associated with the project, specifically discharge of return water from contained upland disposal areas, are covered by a nationwide permit under Section 404(e) of the Act, they are not addressed by the 404(b)(1) evaluation. These return water discharges are addressed by the ESA reconsultation, the 1999 Final IFR/EIS, and the SEIS. Finally, return water discharges will be addressed in the water quality certifications from Oregon and Washington for which the Corps has applied.

³ A programmatic 404(b) review is evidence of ignorance of the CWA § 404. A 404(b) analysis is accomplished by the Corps through a public interest review to meet the requirements of CWA § 404(b) that clearly states **each** specification of a disposal area will be given the review to be specified by the EPA.

⁴ This includes mitigation activities below the high tide that restrict the flow and reach of the waters of the United States.

⁵ If the one page description of the site West Hayden Island, O-105.0 found in the BA appendices is intended to fill this requirement, it should be noted that it is woefully inadequate and has many inaccuracies. Not the least of these is the Corps claim that this site is leased for the purpose of a confined dredged spoils disposal area. If this is

I-40 B. If no separate CWA § 404 is proposed, the CDEIS must contain the entire site-specific public interest review for each disposal site permitted by the Supplemental CDEIS.

Failure to consider site specific aspects of the public interest review for areas considered to be permitted by the programmatic Supplemental CDEIS in that document are grounds for challenging the entire Supplemental CDEIS. As the Supplemental CDEIS now stands, there is no semblance of a public interest review in the Supplemental CDEIS for any disposal areas that will receive dredged spoils from either construction or reauthorized maintenance of that deeper channel.

C. Each CWA 404 specification requires a site-specific alternative analysis.

The alternative analysis required by a 404(b) review is a site-specific consideration of the area to be filled where alternative disposal sites are considered. The CWA § 404(a) requires the public be given notice and allowed the opportunity to comment on that site-specific review.

I-41 This alternative analysis is not to be confused with the programmatic alternative analysis. That analysis asks the question, “Should this project go forward?” The alternative analysis for site-specific 404(b) reviews asks the question, “Is this specific site the most environmentally and financially sound site for spoils disposal in the area?” The Corps can only answer this question with the full Corps public interest review.

I-42 D. If the Corps plans no other site-specific review for mitigation projects included in the project, the Supplemental CDEIS that proposes site-specific mitigation plans that restrict the reach or flow of waters of the United States must contain the total requirements of the Corps’ Public Interest Review for a CWA § 404 Permit. Any plan for an action of the Civil Works

true the Corps has misappropriated WRDA funds. Under the terms of the local cooperation agreement the Port and other local sponsors must provide the disposal sites at no charge. There is also the issue of this area being entirely below the high tide line and filled without a valid CWA § 404 specification of any kind.

Corps of Engineers Response

I-40. As noted above, the revised 404(b)(1) evaluation provides detailed evaluation and public interest review of all regulated discharges of dredged material. Additional information regarding these discharges is contained in the Final SEIS.

I-41. Again, the revised 404(b)(1) evaluation, and by incorporation the 1999 Final IFR/EIS and this SEIS, provide an alternatives analysis for all regulated discharges of dredged material. The analysis evaluates alternative locations for various disposal sites and discharges. As a result of the analysis and disposal site refinements, the total area of wetland fill associated with the project has been reduced from 30 acres for the plan evaluated in the 1999 Final IFR/EIS to approximately 16 acres in the current plan.

I-42. The only mitigation action that involves discharge of dredged or fill materials into waters of the United States is the wetland mitigation project at the Martin Island embayment (creation of intertidal emergent marsh habitat). As noted above, the revised 404(b)(1) evaluation provides a detailed evaluation and public interest review of this mitigation feature. Additional information on wetland impacts and the proposed Martin Island mitigation project are contained in Exhibit K-7 (*Wildlife and Wetland Mitigation*).

Corps of Engineers Response

Division in the Waters of the United States, either dredged spoils disposal or mitigation that impacts the natural benefits of a site-specific area must include, under Federal law, specific plans for mitigation of negative impacts. The requirement for CWA § 404 specifications includes even temporary dredged spoils disposal into waters of the United States that are posited as mitigation.

E. The costs of mitigation of CWA § 404 impacts must be included in cost-feasibility determinations in the Supplemental CDEIS. The Corps has used the fiction that they avoid wetlands to excuse the fact that there is not now proposed - nor has there ever been mitigation for the loss or destruction of Waters of the United States. One of the most egregious examples of this failure is the fact that the Corps does not re-vegetate or contain unconsolidated dredged spoils disposal after placement. This failure to mitigate even by avoiding the destruction of contiguous areas is Corps policy even when the Corps admits contiguous areas are valuable wetlands. West Hayden Island has several wetlands ruined by unconsolidated fills, then determined not to be wetlands due to the presence of dredged spoils. The Corps has disallowed wetlands that meet the hydrology and vegetation requirements for wetlands because migrating dredged spoils are not considered hydric soils. Nowhere in the Supplemental CDEIS is the cost of CWA § 404 mitigation included.

F. The Supplemental CDEIS may not attempt CWA §404 compliance if a sponsor will perform the work.

Corps regulations require that if a sponsor performs the work a formal CWA 404 independent permit must be obtained. If a party other than the Corps, usually the local sponsor, opts to construct the project in lieu of the Corps, that party needs an independent permit. If the party enlarges or modifies the Corps project, non-nal permit evaluation procedures will apply to the portions of the project not included in the Corps planning evaluation. Where local sponsors

I-43. The proposed project would result in the filling of approximately 16 acres of wetlands. Compensatory mitigation for these wetlands impacts, including the Martin Island is included in the proposed project, and the costs of the mitigation are included in the projected costs for the project. The Corps disagrees with the other allegations in the comment, which relate to the Clean Water Act jurisdictional issue that is the subject of ongoing litigation in *Jones v. Rose*. The Corps will contain dredged material behind containment dikes at all 29 upland disposal locations. Dredged material placed in the Lonestar gravel pit would be contained within the pit walls. Dredged material placed within Martin Island lagoon for wildlife mitigation purposes and to aid establishment of intertidal marsh vegetation would be contained within that man-made lagoon. Only at three shoreline disposal sites would dredged material not be contained. Thus the Corps will not impact contiguous areas, including wetlands, with our disposal operations. Most disposal locations are scheduled for repeated use throughout project construction and O&M dredging and disposal operations thus allowing the Corps to avoid requirements for and impacts to additional lands, including wetlands. Our disposal site selection process also focused on utilization of existing or former disposal sites to avoid impacts to additional lands. The establishment of vegetation on an upland disposal site would not represent wetland mitigation as site conditions would be unsuitable for wetland plants.

I-44. The commenter appears to be interpreting law and/or regulation and Corps regulatory guidance. The Corps will comply with all applicable law and regulation, and will follow all guidance as appropriate. To the extent the comment is asserting facts pertaining to West Hayden Island, the assertion is the subject of ongoing litigation in *Jones v. Rose*.

Corps of Engineers Response

perform ancillary work to the Corps-constructed project (e.g., a berthing facility) or perform work required as part of the local cooperation agreement (e.g., a diked disposal area), the sponsor needs a permit. *See* the COE Regulatory Guidance Letter 88-09. The failure to require compliance with specific site reviews of the CWA, when the Port-owned dredge “Oregon” worked maintaining the navigational channel, had resulted in the destruction of the environmental values of West Hayden Island. Corps compliance with this regulation would have avoided that damage.

4. Proper site-specific and programmatic reviews under Executive Orders 11988 and 11990 must become part of the Supplemental CDEIS.

I-45

These executive orders require mitigation for the loss of beneficial aspects of floodplains and wetlands. Specific plans for mitigation and estimates of those costs must be included in the Supplemental CDEIS.

5. The Supplemental CDEIS must reflect the requirements of the WRDA and account for the costs of compliance with the WRDA.

The Water Resources Development Acts provide direction to the Corps of Engineers on the hundreds of projects it undertakes. Each WRDA contains authorizations, de-authorizations and housekeeping provisions regarding Corps water resources development activity. The WRDA of 1986 is considered the Omnibus Act. Most of the general provisions in the later WRDA's either amend or add to its sections. It was the intention of the 1986 WRDA to require every new separable element and growth increment, including any beach enhancements of projects previously authorized, to reflect the new cost sharing formulas and environmental requirements found in the WRDA.

I-46

I-45. The Final SEIS analyzes potential floodplain effects of the project in compliance with Executive Order 11988. *See* Section 7.4.17 and Exhibit K-6 (*Floodplains*). Similarly, the Final SEIS analyzes potential wetland effects of the project in compliance with Executive Order 11990. *See* Section 6.6.2, Section 6.10 and Exhibit E (Section 404(b)(1) Evaluation). Contrary to the comment’s suggestion, neither Executive Order requires compensatory mitigation. Rather, they require avoidance and minimization, which the Corps has provided. Finally, as noted above, the project does include compensatory mitigation for wetland losses as part of a mitigation plan developed by an interagency team, and the costs of that mitigation are included in the total project costs, and also included in the benefit-to-cost calculation.

I-46. Comment noted. The project, as described in the 1999 Final IFR/EIS and this SEIS, complies with the requirements of the Water Resources Development Act (WRDA), including the cost-sharing requirements.

Corps of Engineers Response

I-47 A. The 1986 WRDA Section 902(d)⁶ requires specific mitigation plans for impacts to bottomlands, such as the Cottonwood and Oregon Ash, heavily impacted by Columbia River dredging, whether or not they are wetlands.

B. The site-specific review of the beach fills and the requirements of the WRDA must occur in the Supplemental CDEIS.

I-48 The WRDA considers beach nourishment, whether called “shoreline fills” or “beach enhancements” a separable element. The WRDA requires beach fills paid for by the government to be open to the public. The Portland District Corps Civil Works Division has violated and continues to violate the WRDA and its own Regulations concerning beach enhancement found in ER 1165-2-130, 3 (d) and (e), requiring those beaches to be open to the public and to be subject to all applicable statutes and regulations.

C. The supplemental CDEIS must provide specific plans to mitigate impacts to meet the requirement of the WRDA

I-49 To this point the Corps has violated the WRDA requirements to make a determination of Negligible Adverse Impacts. Section 906 of the WRDA provides that the Secretary of the Army shall not submit any proposal for the authorization of any water resources project to the Congress unless such report contains, in part, “a determination by the Secretary that such project will have negligible adverse impact on fish and wildlife.” 33 U.S.C. § 2283(d). The present failure to

⁶ These are in part the environmental requirements of WRDA-86 Section 902(d) which clearly state requirements for federal dredging projects and their maintenance after 1986:

“(d) Mitigation plans as part of project proposals. After November 17, 1986, the Secretary shall not submit any proposal for the authorization of any water resources project to the Congress unless such report contains (1) a recommendation with a specific plan to mitigate fish and wildlife losses created by such project, or (2) a determination by the Secretary that such project will have negligible adverse impact on fish and wildlife. Specific mitigation plans shall ensure that impacts to bottomland hardwood forests are mitigated in-kind, to the extent possible. In carrying out this subsection, the Secretary shall consult with appropriate Federal and non-Federal agencies.

I-47. The commenter mistakenly references WRDA 1986, Section 902, which refers to maximum cost of projects. The Corps concludes the commenter meant to reference Section 906(d). The WRDA requires either a mitigation plan for fish and wildlife losses associated with a project or a determination by the Secretary that the project will have a negligible adverse impact on fish and wildlife. The channel improvement project includes a detailed mitigation plan for projected adverse effects to wildlife and wetlands. *See* Exhibit K-7 (*Wildlife and Wetland Mitigation*). The mitigation plan was developed through a cooperative interagency process that included both state and federal resources managers. The bottomland hardwood forest referred to in the comment does not occur in the Pacific Northwest. Rather, this particular habitat type occurs in the lower Midwest and southeastern United States (from Texas-Louisiana, up the Mississippi River to Illinois, then eastward to Virginia, down the eastern seaboard to Northern Florida and across the Gulf States). The wildlife mitigation plan for this project does have a riparian forest mitigation component that will more than address the estimated loss of riparian forest habitat (not wetlands) due to project related actions.

I-48. The Corps disagrees with the comment’s allegation of “violations” of WRDA. The 1999 Final IFR/EIS and the SEIS provide detailed analyses of the three sites proposed for shoreline disposal of dredged material from the channel improvement project. All three sites will occur on public lands.

I-49. The Corps disagrees with the comment’s allegation of “violations” of WRDA. As noted above, the channel improvement project includes a detailed mitigation plan for projected adverse effects to wildlife and wetlands. *See* Exhibit K-7 (*Wildlife and Wetland Mitigation*). As noted in his report dated 23 December 1999, the Chief of Engineers determined that additional studies and coordination would be performed to address concerns regarding fish species. Since the submission of the Chief’s Report, both NOAA Fisheries and USFWS have determined that the project will not jeopardize salmonid species. Additional studies have been completed or are being conducted on smelt, sturgeon, and Dungeness crab (*see* Final SEIS, Exhibit K-1, K-2, K-4). Exhibit K-1, Smelt, has concluded there will be no impact to the species due to dredging and disposal operations. Exhibit K-2, Sturgeon, includes a mitigation strategy of minimization and avoidance in the event further studies indicate mitigation is warranted. Exhibit K-4, Dungeness crab, addresses minimization and avoidance for entrainment of crab and further discusses the small impact due to disposal operations.

consider and mitigate the negative impacts on fish and wildlife caused by dredged spoils disposal is a violation of the WRDA.

I-50 D. The supplemental CDEIS does not consider or offer explanations of violations of the WRDA by the Corps when it uses disposal sites on beaches in Oregon without the State Land Board's approval as required by the WRDA. In addition the Corps uses disposal sites that were condemned.

These are clear violations of the WRDA that would be continued if the Supplemental CDEIS is not changed. The Port of Portland has alienated waters of the State that belong in the Public Trust due to the Corps' violation of the WRDA.

E. The present CDEIS contemplates fills that are misappropriations of WRDA funds.

I-51 The Corps has not properly apportioned the cost sharing formulas found in the WRDA. By relieving local sponsors of their obligation to share project costs, defendants have also relieved local sponsors of financial incentives to reduce or eliminate unneeded or oversized aspects of the project. The local sponsors have thereby increased the likelihood that the Project will cause more environmental damage than is necessary. The Port of Portland (POP) exceeded the definition of beach nourishment when it filled above the High Tide Line when performing channel maintenance. When the POP filled on top of beach enhancements, they appropriated those fills, declaring them uplands and private property due to Corps violation of the WRDA. The beneficial use of the spoils was not accounted for, and the Corps made payments from WRDA funds.

I-52 6. The CDEIS should discuss the effect of sand fines below 30 microns on fish. Those considerations should establish limitations on private parties working in the navigation channel identical to the limits adopted by the Corps.

Corps of Engineers Response

I-50. The Corps and the Port of Portland disagree with the comment's allegation of "violations" of WRDA. Although no specific "violations" are alleged in the comment, the Corps notes that sponsor ports are required, as part of the Project Cooperation Agreement, to provide all lands, easements and right-of-way required for project disposal sites.

I-51. While the comment provides no specific factual basis for the allegation of "misappropriation of WRDA funds," the Corps disagrees with the allegation. The cost sharing called for in the 1999 Final IFR/EIS and the SEIS requires the sponsor ports to share in the costs of many aspects of the project and is entirely consistent with WRDA. The comment's allegations regarding the Port of Portland appear to pertain to past activity involving issues that are before the court in *Jones v. Rose* and are therefore not appropriate for detailed response here.

Although not part of the current litigation, I believe there is an issue the Corps must address. It is not enough to say the dredged spoils are clean sand. Sand fines smaller than 30 microns suspended in dredging and disposal, even if called mitigation, have disastrous consequences on fish.⁷

I-52 This issue is made more important because the Corps often allows private sponsors and other private parties to mine the navigation channel under the authorization of the Corps' maintenance dredging. This private mining often occurs during periods the Corps has promised not to work, when the fish are migrating. The Supplemental CDEIS should discuss both issues. The effect of fines on fish and the limits the Corps will impose on private parties working in the navigation channel under the authority of the CDEIS.

Specific Argument produced to challenge the validity of the Supplemental CDEIS:

For the most part my specific challenges to the CDEIS stem from three types of mistakes in the process.

- I-53 **I. The CDEIS and all of the dredging documents produced by the Corps are fundamentally flawed by the Portland district's failure to understand the difference in jurisdictional limits of the RHA and the CWA.**
- II. The CDEIS is tiered on previous illegal documents and illegal actions to avoid the reasoned and complete consideration required by law.**
- III. The CDEIS is a continuation of the Portland district's use of a programmatic EIS to forego required site-specific environmental analysis and specific CWA 404 permits required by law.**

⁷ It is also obvious that mitigation that proposes to store temporarily dredged spoils in water would only exacerbate the effect of suspending fines of 30 microns or less. Re-suspending those fines a second time would needlessly harm fish.

Corps of Engineers Response

I-52. The 1999 Final IFR/EIS and the SEIS address the effects of short-term localized suspended sediment and turbidity increases associated with the project. *See* Sections 6.2, 6.6 and 6.7. The potential effects of these increases on fish were also addressed through the ESA reconsultation. *See* Biological Assessment at 6.1.1, 6.1.5 and 6.1.36; NOAA Fisheries Biological Opinion at 6.2.2.1; and USFWS Biological Opinion at 5.3.2.1. The proposed project does not include "other private parties" mining the navigation channel.

I-53. Comment noted. Responses to specific issues are provided below in response to comments I-54 through I-59.

I. The CDEIS and all of the dredging documents produced by the Corps are fundamentally flawed by the Portland district's failure to understand the difference in jurisdictional limits of the RHA and the CWA.

The failure to correctly understand the jurisdictional limits of the CWA has caused the

I-54 Portland district Corps to severely under-consider the impacts of dredged spoils disposal on waters of the United States.

The Portland District Corps' failure to understand the jurisdictional limits of the CWA is obvious in three underlying assumptions found in all P.D. Corps NEPA dredging documents.

1. The Corps assumes Waters of the United States are identical to navigable waters except for wetlands. For this reason the Corps bases its consideration of impacts using the standard of Mean High Water rather than the High Tide Line.⁸
2. The Corps assumes that if a Water of the United States is not a wetland that it is an upland and therefore not an impact to be considered in the CDEIS.

See Biological Assessment Columbia River Channel Improvements Project 12-27

I-55 *December 28, 2000,*

“Upland High land; ground elevated above the meadows and intervals which lie on the banks of rivers, near the sea, or between hills; land which is generally dry; -- opposed to lowland, meadow, marsh, swamp, interval, and the like. **Generally any area that does not qualify as a wetland** because the associated hydrologic regime is not sufficiently wet to elicit development of vegetation, soils and/or hydrologic characteristics.”

Thus, when the Corps says “Upland” it may be an area below the HTL recently filled by the Corps. The Corps does not feel the need to re-vegetate any of its fill. But if that filled area was left alone in its normal circumstance it would support wetland vegetation. The Corps has

⁸ Perhaps the most current best explanation of the distinction between the CWA and RHA jurisdictional limits HTL and MHHT is found in the **Federal Register** / Vol. 64, No. 139 / Wednesday, July 21, 1999 / Notices page 39354:

“Tidal waters landward of the mean high tide line are waters of the United States, but they are not navigable waters of the United States. Therefore, tidal waters landward of the mean high tide line are subject to Section 404 of the Clean Water Act, but not Section 10 of the Rivers and Harbors.”

Corps of Engineers Response

I-54. The Corps disagrees with the comment's assertion that the NEPA and Clean Water Act evaluations for this project are “fundamentally flawed.” The Corps interprets the Clean Water Act as establishing the Ordinary High Water Mark as the jurisdictional limit, not the High Tide Line. As noted above, the issue of the jurisdictional limits of the Clean Water Act is currently the subject of ongoing litigation in *Jones v. Rose* and is therefore not appropriate for more detailed response here.

I-55. See response I-54. Shoreline disposal sites proposed for the channel improvement project have been evaluated under the revised Section 404(b)(1) guidelines and have been subject to public review and comment. Also see response to comments SS-179 and I-38.

Corps of Engineers Response

destroyed many acres of aquatic resources by deciding no wetland hydrology exists despite wetland vegetation, because the hydrology criterion was not met. The Corps would make this determination based on the fact it was above the OHW line when the jurisdictional limit, if it applied, was the HTL. Any Area below the HTL contiguous with the Columbia River is a water of the United States and any activity raising the bottom of a water of the United States requires a permit or its equivalent.

I-55 For example all of the area identified as mp 0-105 on West Hayden Island that is proposed for dredged spoils disposal was below the HTL before it was illegally filled.⁹

Another example is that the CDEIS proposes shoreline disposal sites. Shoreline disposal sites require a CWA 404 Permit or the equivalent public interest review. The definition of shoreline disposal sites is not different from to fills regulated by the WRDA. Those fills are regulated as beach nourishment sites. The Corps has isolated interior wetlands on WHI with shoreline disposal sites, whatever the Corps would call them. The WRDA does not allow the Corps to eliminate public access with a fill into waters of the United States, but this has been the result of fills so defined.

3. The Corps is under the impression that impacts to waters of the United States need not be mitigated nor considered if they are not a wetland.

I-56 The Corps proposes no mitigation for dredged spoils disposal in the CDEIS. Both the CWA and WRDA and executive orders require mitigation even if the areas filled were not wetlands. The Corps should require this mitigation and the prospective cost should be included in the economic analysis.

I-56. See response I-54. The Corps disagrees with the statement that the proposed project does not include mitigation. To the contrary, the project includes a detailed plan to provide extensive mitigation for wildlife habitat from impacts to agricultural lands, riparian lands and wetlands. See 1999 Final IFR/EIS, Appendix G and response to comment I-47.

⁹ Illegally filled waters of the United States continue to be waters of the United States.

II. The CDEIS is tiered on previous illegal documents and illegal actions to avoid the reasoned and complete consideration required by law.

The CDEIS is incomplete because its structure bases its consideration on the belief that the CDEIS need only consider the additional impacts of deepening the channel three more feet. This is not true. The project would be a reauthorization of maintenance dredging for the deepened channel. If previous consideration of maintenance dredging is incomplete, then the CDEIS is fatally flawed unless correctly considered in the present process.

It is a fact that the Corps tiered¹⁰ the CDEIS on previous NEPA and non-NEPA documents that I do challenge. The Ninth Circuit has decided, concerning tiering, that if a current document tiers on a previous document, the Court may review the portion of the previous document tiered upon. Without extensive restructuring of the CDEIS, a supplement will fail to avoid the current litigation.

The Columbia and Lower Willamette Rivers Navigation Channel, Oregon and Washington, Integrated Feasibility Report for Channel Improvements and Environmental Impact Statement (“CDEIS”) was prepared simultaneously with the “The Columbia and Lower Willamette River Navigation Channel Integrated Dredged Material Management Study and Supplemental Environmental Impact Statement, (“O&M SEIS”). The Channel Deepening EIS is

Corps of Engineers Response

I-57. The Corps disagrees with the comment’s characterization of environmental documentation for other projects as “illegal” or otherwise inadequate. Nevertheless, the 1999 Final IFR/EIS and Final SEIS for the channel improvement project are not “tiered” on any prior documents. These project-level documents fully evaluate the potential effects of the channel improvement project. As required under CEQ’s NEPA regulations, the 1999 Final IFR/EIS and Final SEIS incorporate by reference material from prior project-level studies where appropriate (i.e., where the effect is to cut down on bulk of the EIS without impeding agency and public review of the action). 40 C.F.R. 1502.21. Incorporation by reference differs from tiering, in which project-level documents narrow the range of issues considered in prior program-level documents. 40 C.F.R. 1502.20.

For purposes of evaluating the effects of the channel improvement project, the 1999 Final IFR/EIS and Final SEIS fully address the effects of maintenance dredging as well as the effects of deepening the channel to 43 feet. Throughout the 1999 Final IFR/EIS and Final SEIS, the quantities of material to be dredged and disposed included both construction and maintenance quantities, as well as incremental changes in future maintenance quantities associated with deepening. Similarly, the evaluation of potential effects of the project covers both construction and maintenance activities. Additional analysis of the effects of maintenance dredging for the 40-foot channel is contained in the June 1998 *Dredged Material Management Plan & Supplemental Environmental Impact Statement* (DMMP), which is properly incorporated by reference in the 1999 Final IFR/EIS and Final SEIS (i.e., briefly summarized and cited).

For the purposes of comparing alternatives, the “No Action Alternative” is maintenance of the 40-foot channel, which is the Congressionally authorized present course of action that was approved in the 1998 Record of Decision. It is therefore the appropriate choice for the no-action alternative. See CEQ “Forty Most Asked Questions” at Question 3. Use of the 40-foot channel as the no action alternative does not mean that its effects are not evaluated. On the contrary, as noted above, the effects of maintenance dredging are addressed in the 1999 Final IFR/EIS and Final SEIS are therefore available to the public and to decision makers.

¹⁰ Tiering refers to the coverage of general matters in broader environmental impact statements (such as national program or policy statements) with subsequently narrower statements or environmental analyses (such as regional or basin-wide program statements or ultimately site-specific statements) incorporating by reference the general discussions and concentrating solely on the issues specific to the statement subsequently prepared. Tiering is appropriate when the sequence of statements or analyses is:

1. From a program, plan, or policy environmental impact statement to a program, plan, or policy statement or analysis of lesser scope or to a site-specific statement or analysis.
2. From an environmental impact statement on a specific action at an early stage (such as need and site selection) to a supplement (which is preferred) or a subsequent statement or analysis at a later stage (such as environmental mitigation). Tiering in such cases is appropriate when it helps the lead agency to focus on the issues which are ripe for decision and exclude from consideration issues already decided or not yet ripe. (See 40 CFR 1508.28 and ER 200-2-2, Appendix 3, page 60).

not only tiered on the environmental considerations of the 1999 O&M SEIS, it also uses that option as the no-action alternative (Vol. 1, 9-11).

The O&M SEIS was tiered on the unconsidered and illegal past and vitiated itself with past and unconsidered fundamental assumptions in previous documents. It was the lack of consideration that caused an SEIS to be necessary in the first place. The CDEIS makes the same error by proxy when it assumes present dredging to be the “no build” option. The CDEIS and the 1999 O&M SEIS are also tiered on three O&M dredging FONSI’s¹¹ and the original 1975 EIS entitled, “1975 Final Environmental Impact Statement Columbia and Lower Willamette River Maintenance and Completion of the 40 Ft. Navigation Channel Downstream of Vancouver, Washington and Portland, Oregon.”

The CDEIS and O&M SEIS rely heavily on the 1975 EIS for justification of the environmental impacts. The 1975 EIS was not sufficient when it was produced and is certainly unable carry the load required by NEPA some 24 years later.

A Finding of No Significant Impact is a decision to not produce or supplement an EIS, and *cannot* double as a CWA 404(b)(1) review or expand the original EIS. A FONSI may not be tiered on a previous FONSI. An Environmental Assessment that determines an EIS is not necessary serves as the basis for the relevant FONSI. No EA or FONSI can correct errors or change the 1975 original EIS.

I-58. As noted above, the 1999 Final IFR/EIS and Final SEIS are not tiered on prior documents and fully evaluate the effects of channel deepening and of maintaining the channel once deepened. The 1999 Final IFR/EIS and Final SEIS effects analysis for the channel improvement project includes a detailed evaluation of the potential cumulative effects of the project (Section 6.12).

¹¹ For example: It is relevant that the environmental analysis for maintenance dredging challenged in *Jones v. Rose* between 1983 and 1999 consists of four FONSIs:

12-16-1983	Oregon Maintenance Dredging	River Mile 3-106
5-12-1989	Oregon Maintenance Dredging	River Mile 3-106
6-12-1989	Oregon Maintenance Dredging	River Mile 40-106
4-29-1994	Oregon Maintenance Dredging	River Mile 3-106

A FONSI is the decision not to make an environmental analysis and subsequent NEPA processes may not disregard their cumulative impact without independent review.

When in 1998 the O&M SEIS was finally produced, the *cumulative* acts and their impacts should have been considered. They were not. Each successive EA must consider all the previous EAs which determined an EIS was not necessary in order to determine if a SEIS is necessary. The changes and new locations of disposal sites in the aggregate, roughly doubling the number of disposal sites, should have triggered an SEIS. They did not. The changes to the 1975 EIS found in the FONSI were never given the reasoned consideration required by NEPA and other laws.

These documents clearly attempt to supplement the 1975 EIS. All changed the scope of the Corps maintenance program, added disposal sites, and were based on Environment Analysis documents never given public notice or allowed public comment. All of the above documents are tiered on the 1975 EIS. The *Jones v Rose* complaint clearly alleges the 1975 EIS clearly

I-58 cannot complement the CDEIS in the way required by NEPA. Clearly the fact all previous NEPA dredging documents are legally insufficient prevents the Corps from truncating the CDEIS to the consideration of only *additional* impacts. Without major restructuring it is unlikely the Supplement to the CDEIS can escape the current litigation. The CDEIS and the O&M SEIS tiers not just on the process, but all of the previous O&M dredging impacts as they exist, whether previously considered or legal. In both NEPA processes dredging impacts were the “no-action” alternative. The CDEIS is fatally flawed when it tiers on existent illegal dredging impacts. Yet the Corps tries to build its case for channel deepening by grandfathering its own illegal actions.

Additionally [T]iering to a document that has not itself been subject to NEPA review is not permitted, for it circumvents the purpose of NEPA. *See Kern v. United States Bureau of Land Management*, 284 F.3d 1062 (9th Cir. 03/22/2002). Corps DMMS plans are not NEPA

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documents. Because the CDEIS or the O& M SEIS may not *tier* to a DMMS, adequate consideration of dredged spoils impacts depend on the analysis contained in the EIS itself. The sum total of the analysis for many issues in the CDEIS and the Supplemental CDEIS is the assumption that it was considered in the 1998 DMMS and other non-NEPA dredged material disposal plans: For example the fact that certain disposal sites were considered in a previous *non* NEPA plan is not a consideration of the environmental consequences of the effects of channel deepening. The CDEIS must itself address those impacts.

III. The CDEIS is a continuation of the Portland district's use of a programmatic EIS to forego required site-specific environmental analysis and specific CWA 404 permits required by law.

The Corps has failed to produce site-specific EIS's for Corps actions in each of the dredging documents listed above. The Corps has consistently used the ROD for the programmatic NEPA and maintenance dredging DMMS coupled with a programmatic 401(b) review in lieu of a CWA 404 public interest review. Other courts have already found this process to be inadequate for compliance with the CWA.

Where there are large scale plans for regional development, NEPA requires both a programmatic and site-specific EIS. *See City of Tenakee Springs*, 778 F.2d at 1407. The Corps has not produced site specific EIS's for dredged spoils disposal connected with maintenance dredging. Two simultaneous Corps actions on West Hayden Island serve as an example of this confusion of site-specific and programmatic reviews. First its requirement that the Port prepare an EIS for filling on WHI, and second its own simultaneous failure to prepare an EIS for Corps filling of hundreds of acres on WHI.

I-59. As discussed in response to comments I-38 through I-44, the revised 404(b)(1) evaluation fully satisfies the requirements of Section 404 of the Clean Water Act for discharges of dredged or fill material associated with this federal navigation project. Similarly, as discussed in response to comments I-57 and I-58, the project-level 1999 Final IFR/EIS and Final SEIS for the channel improvement project fully satisfy the requirements of NEPA for evaluating and considering the potential environmental effects of the project, including site-specific effects.

I-59

The Ninth Circuit has taken the position, that they [a]ssume that government agencies will comply with their NEPA obligations in later stages of development.” *Conner v. Burford*, 848 F.2d 1441, 1448 (9th Cir. 1988), cert. denied, 489 U.S. 1012 (1989). That assumption is no longer tenable where the Corps has blurred the distinction between a site-specific EIS and a programmatic EIS. The Corps has made it perfectly clear on West Hayden Island and the length of the Columbia River to the ocean, that the Corps considers its “Columbia and Lower Willamette River Navigation Channel Integrated Dredged Material Management Study (DMMS)” and “Supplemental Environmental Impact Statement” (the “O&M SEIS”) to be sufficient for use as site-specific EIS’s and CWA 404 permits when implementing dredged spoils disposal. At this point one must assume that the Corps does not intend to produce site-specific reviews for Channel Deepening projects. If this is not true the Corps should identify which parts of the plan will receive site specific reviews in the CDEIS.

When the CDEIS considers the DMMS and O&M SEIS as the “no build” option, it adopts the *failure* to provide site-specific reviews in those documents as part of its consideration.

Issues before the Court relevant to the Validity of the Supplemental CDEIS:

I-60

The following issues, here briefly described, are currently before the Court in *Jones v. Rose* and are relevant to the sufficiency of the Supplemental CDEIS.

1. The CDEIS is tiered on more than just illegal documents. The CDEIS is tiered on the illegal dredging actions of the Corps and others. For example,

a. A confined disposal site is assumed on West Hayden Island because of the fact that the Corps and Port have illegally created a dredged spoils disposal area on WHI.

I-60. Comment noted. The Corps disagrees with the allegations of “violations” of various laws in this comment. Some of the issues addressed by the commenter are currently the subject of ongoing litigation in *Jones v. Rose* and are therefore not appropriate for detailed response here. To the extent substantive comments relate to the proposed channel improvement project and the adequacy of the NEPA documentation for the project, they are addressed in the above responses to comments I-33 to I-59 and in responses to other comments. Those that are not a subject of the ongoing litigation in *Jones v. Rose* are addressed point by point below.

Corps of Engineers Response

I-60 (con't).

b. The Port has illegally condemned land used for maintenance dredged spoils disposal. The illegal confined disposal site on WHI is located on property condemned by the Port for that purpose. The WRDA, Water Resources Development Act, forbids the condemnation of property for dredged spoils disposal. The Port's deed for the disposal site on WHI was transferred under the threat of condemnation.

c. Specific illegal actions - such as the failure of PGE to mitigate a permitted disposal and the Port of Portland's illegal diking of wetlands - have created conditions in the waters of the United States on WHI which are not of *normal circumstance*. Until these issues are resolved, consideration of WHI as part of the CDEIS supplement is premature.

d. The Port is without authority to alienate public trust property without permission from the state. The Port is, as a sponsor, required by the WRDA to provide dredged spoils disposal sites. The Port has avoided due process to provide sites for disposal that it did not own.

e. The CDEIS and previous NEPA documents are not sufficient to provide compliance with The Water Resources Development Act, WRDA. The WRDA requires mitigation. NEPA requires public consideration of that mitigation.

f. The Corps does not understand the difference between maintenance and construction as it relates to the levels of consideration mandated by NEPA for the purposes of the WRDA. For example: Maintenance of an authorized project requires no needs statement, because the need was established in the original authorization. The channel deepening project is a reauthorization of the project and cannot rely on the non existent needs statement of a maintenance program previously authorized.

g. Construction of this Channel Deepening project is a privately sponsored project. Disposal sites for construction must be considered separately from disposal sites for

(f) The 1999 Final IFR/EIS presented the purpose and the need for this federal action. The Final SEIS further describes additional purpose and need for project modifications made since the 1999 Final IFR/EIS.

(g) The Corps disagrees. This project is not being "privately sponsored." A non-federal sponsor is required by federal law for this project. The non-federal sponsors for the project are public entities.

maintenance. Site-specific purpose and need and alternative site consideration are a must for privately sponsored disposal sites. In addition, the private sponsor must obtain a CWA 404 permit for a construction disposal site. Mitigation is required.

h. Beach *nourishment* or whatever euphemism the Corps would use for dredged spoil disposal along a shoreline for construction is authorized in a different section from dredged spoil disposal in the WRDA, and Corps regulations regard such fills as separable elements liable to certain regulations. The Corps regulations require a site-specific CWA § 404 specification for fills on beaches or shores. **Neither the WRDA nor Corps regulations allow federally-funded land creation that excludes the public from the shoreline.**

i. The Corps to this point has used the combination of a programmatic Record of Decision for the programmatic EIS coupled with a programmatic 404(b) evaluation in lieu of site-specific CWA 404 permits. The programmatic 404(b) evaluation amounts to the affirmation, without specifics, that wetlands will be avoided. Although this procedure is illegal in many ways, it points to a deficiency in the procedure in the combining of purposes for the production of the CDEIS. The CDEIS is a programmatic document. Its use in lieu of a site-specific EIS is a violation of law. An example of the problems that can be created by this Corps misunderstanding is the fact that the Port has discontinued production of an EIS or supplemental EIS on West Hayden Island, even though its production was assumed in both the CDEIS and DMMP.

j. It is black letter law that an EIS may not serve as a CWA permit.

k. The CDEIS and supplemental CDEIS are themselves itself a violation of the Executive Orders (“EO’s”) EO #11988 and EO #11990, and is tiered on documents that are in violation of those executive orders. For example: No actual consideration of EO #11988 is

Corps of Engineers Response

I-60 (con’t).

(h) All disposal sites, including shoreline disposal, have the same authorization on this project. A 404(b) evaluation has been prepared for disposal in waters of the United States. See responses I-38 to I-40. The project does not create land that excludes the public from the shoreline.

(j) It is unclear the commenter means by this comment. The Corps does not issue itself permits on its projects; however, the Corps does comply with requirements of Section 404 of the Clean Water Act. See responses I-38 to I-40.

(k) See response to I-45.

found in the Supplemental CDEIS, the CDEIS, the DMMP or any document on which they are tiered. The CDEIS document claims such consideration will be given. Consideration of the floodplain is required by NEPA in the document. This consideration must include effects on the beneficial values of the floodplain in excess of the displacement of floodwaters.

l. Corps compliance of EO #11988 is based on a finding of “No Practical Alternative,” yet the Portland District Corps has never made such a finding in any dredging document.

m. Public notice of a finding of No Practical Alternative is required by Corps regulation. None has ever been given, due to the fact no such finding has ever been made.

n. An analysis of floodplain effects that derives its meaning from the removal of fill below sea level in tidal waters borders on fraud.

o. In application of NEPA documents upon which the CDEIS is tiered, there was – and continues to be – wetlands destruction. Although the CDEIS and DMMP claim otherwise the lack of consideration is a violation of EO #11990. There is probably no better example of the disastrous effect of this cavalier approach to wetland effects than Benson Pond. Benson Pond was filled in as part of a beach nourishment action occasioned by the fact that a beach nourishment disposal area was depicted on a dredged management plan. This was done despite the fact that the entire area was previously delineated as a wetland by the Corps. The fill at Benson Pond cut off over one hundred acres of delineated wetlands from the river. An additional wetland west of Benson Pond was cut off from the river by several dredged spoils shoreline disposals. Such actions require that the review and action forcing provisions of Executive Order #11990 be part of the CDEIS. Past actions and NEPA documents may not be tiered upon in a way that avoids such consideration.

Corps of Engineers Response

I-60 (con’t).

(l) The Final SEIS has been revised to further clarify compliance with the Executive Order 11988.

(m) See response to I-60(l). Adequate public notice is provided through the NEPA process.

Corps of Engineers Response

I-60 (con't).

p. Because the Corps repeatedly uses earlier fill sites, many wetland areas that were previously wetlands do not meet the vegetation criteria of the Corps, although the past and present normal circumstances would support such vegetation. The required consideration of normal circumstances triggers the review and action forcing provisions of EO #11990.

q. The Corps and the sponsors typically do not re-vegetate the edges of their dredged spoils disposal. This failure is most egregious when those dredged spoils disposal are next to delineated wetlands. West Hayden Island is replete with examples of wetlands where the vegetation is suffocated by migrating dredged spoils. Exacerbating this condition is the fact that Corps wetland specialists have on WHI regarded the surface presence of these dredged spoils as Pilchuck soils that defeat a wetland delineation. Unless the Corps required immediate re-vegetation of dredged spoil disposal contiguous to wetlands, the loss of those wetlands must be considered in the context of the review and action forcing provisions of EO #11990.

r. Cumulative and related effects must be considered.

Under NEPA, the "scope" of an EIS is the "range of actions, alternatives, and impacts" that it must consider. Among these are "connected," "cumulative," and "similar" actions, and "indirect" and "cumulative" impacts. 40 C.F.R. § 1508.25. Also included as an impact is induced growth. By law, the Corps must assess the indirect impacts of growth inducing effects related to changes in land use patterns, changes in population density, and indirect adverse effects on air and water as well as the ecosystem.

The Corps hoped to avoid this consideration in the CDEIS by explaining that the effects will be minimal because the present maintenance program was the "no build" option. In this vein the Corps stated,

"Incremental environmental impacts from the channel deepening itself are expected to be minimal since the deepening will be limited to the existing channel footprint

(r) We disagree. Oregon ash-forested floodplain on West Hayden Island is present in the vicinity of the City of Portland. Tracts of this habitat type can be found on Sauvie Island, Government Island, the Sandy River delta and the Vancouver Lowlands, for example. The project does not include plans to discharge in wetlands on West Hayden Island. See response I-58 pertaining to cumulative impacts.

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in which dredging has taken place for many years. For this reason, the Corps cumulative effects analysis in the CDEIS focused on habitat impacts from increased sediment disposal resulting from the project as the best means for assessing cumulative environmental effects." CDEIS, Response #13.

This claim of "minimal environmental impacts" is evidentially based on the Corps' interpretation that the word "cumulative" in the context of this project does not have the same meaning as it would have in any other context. Instead, the Corps interprets cumulative to represent only the additional harm stemming from this proposed incremental increase in dredging. This is not acceptable. The FEIS, both as a matter of law and good sense, must cover the cumulative effect of past, current, and proposed dredging on the river system. See *40 C.F.R. § 1508.7*.

I-60 For example the Oregon Ash forested floodplain on West Hayden Island is effectively the last wetlands of its type in the vicinity of the City of Portland *not* filled by Corps, or Port's legal and illegal fast land creation. This failing of the CDEIS is compounded by the fact that all previous plans and NEPA documents focus solely on the beneficial impact of international trade represented by this expansion of industrial land.

Another significant omission from the Corps' alleged cumulative effects analysis is that of future dredging projects. The Corps alludes to future deepening projects but does not address them in the document.

In attempting to assess impacts on future port development the Corps makes the following prediction: "Actions related to channel deepening would include: ... continued development of port facilities to meet future needs; and contributing to the maintenance of current levels of economic and population growth in the region." Vol. I at 6-57. Yet in direct contradiction, the Corps states "channel deepening in itself would not induce additional ship

traffic. Likewise, it would not contribute to development of additional ports or port facilities." Vol. I at 6-51.

Corps of Engineers Response

I-60 This failure to address future impacts undermines the credibility of the CDEIS and its sufficiency under the law. Does the CDEIS assess the possible impacts that industrial land creation could have upon surrounding areas? Since past negative impacts alone have been highly significant, the Corps' failure to address this area contains no evaluation whatsoever of the impact on natural resources of future Port of Portland or other Port land creation, using fill mined from and derived from Federal maintenance dredging. The Corps does not just ignore the induced future development of WHI that it uses as a principle part of its needs analysis. The Corps continues to deny that the Port of Vancouver's plan to use dredge spoils from the deepening project to fill over 600 acres of valuable habitat at the Gateway site in the name of Port development is a connected, cumulative, and similar action. The CDEIS does not disclose nor does it analyze the environmental impacts of this connected port development, which, instead, is billed as beneficial use of dredge spoils. Future development of West Hayden Island and the Gateway area will have extensive impact on wildlife and the environment. Regardless of whatever alleged development benefits are associated with this action, the environmental cost must also be fully assessed in the reconsideration of the CDEIS. The Supplemental CDEIS adopts the same logic. Correctly assessing the failure of this strategy in the Supplemental CDEIS, the Corps has tried another tact to avoid the consideration of cumulative and related effects. The Corps has had the private sponsors claim in the Supplemental CDEIS that marine development would occur whether or not channel deepening occurs.

The Corps believes that those statements relieve the Corps of site-specific consideration of cumulative and related impacts. While very clever, this is wrong. Obviously a project that

would re-authorize maintenance dredging does not escape review of the dredged spoils disposal because it was authorized by the previous project. As example, the Port of Vancouver says the development would use dredged spoils in the future from already authorized maintenance dredging. The Corps must consider post and present and future effects of related actions whether they would occur if the project occurred or not.

At some point the consideration of cumulative past and present related actions must be applied to site-specific situations.

s. The omission of a reasonably complete discussion of possible mitigation measures would undermine the "action forcing" function of NEPA. Without such a discussion, neither the agency nor other interested groups and individuals can properly evaluate the severity of the adverse effects. *Robertson v. Methow Valley Citizen's Council*, 490 U.S. 332 (1989).

To meet the objections of the other federal agencies the Corps has proposed mitigation of a highly speculative nature involving temporary and permanent "in water" disposal of dredged spoils. Where the CDEIS proposed to only study the impacts posed by the project to the fish in the estuary, the supplemental CDEIS acts without studies. This mitigation also reduces the cost of the project giving the Corps a reason to act without consideration. The Supplemental CDEIS, like the CDEIS, fails to appropriately evaluate reasonably foreseeable significant adverse or positive effects on aquatic species because they are both only a part of complete mitigation. Neither the CDEIS or Supplemental CDEIS has data or analyses from which to draw conclusions. To fully evaluate its adverse effects, the project should not commence until *after* studies are done and appropriate mitigating actions are specifically designed and funded.

Corps of Engineers Response

I-60 (con't).

(s) See responses to I-28, I-45, and I-49.

t. Illegally filled waters of the United States remain waters of the United States until they obtain proper specification. The Corps may not determine that a site is not a water of the United States because the Corps previously illegally filled it.

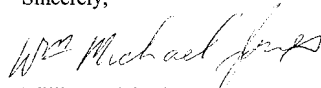
Corps of Engineers Response

Conclusion: I propose a meeting to discuss and focus these issues in the context of the upcoming reconsideration. Beyond the prospect of legal and reasoned consideration in the context of the reconsideration of the CDEIS, a clear statement of the federal government on any of these issues would advance or avoid the current litigation. Perhaps it is possible that if we are unable to agree on the relevance of some issues, we might be able to seek the guidance of the court prior to the publishing of the supplemental CDEIS.

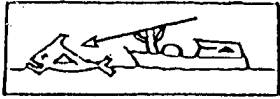
I-61. Since this letter was received, a Port of Portland representative met with the commenter. The Corps and sponsor port representatives continue to be available to meet to discuss these comments and responses at the commenter's convenience.

I am available for any dialogue concerning these or other issues. Please call. In addition I will very happily make my time available to demonstrate the physical degradation caused by the Corps' failure to make the adequate considerations required by law.

Sincerely,



William Michael Jones



FISH HUNTER

T. HAWK FISH

DANIEL J. & CLAIRE STEPHAN
1365 ALTOONA ROAD
ROSBURG, WA 98643 (206) 465-2468

Corps of Engineers Response

September 14, 2002

Commander, USACE-Portland
Attn: CENWP-PM-F(CRICIP)
P.O. Box 2946
Portland, OR 97208-2946

Gentlemen:

Re: Columbia River Channel Deepening Project

We would like to comment for the record on the proposed deepening of the Columbia River. To begin with, we are not totally opposed to the idea of a deeper channel, but we are deeply concerned about the disposal sites that have recently been proposed, and renamed as "Restoration" sites. Also, we are disturbed about the way the Corps and others keep finding what they hope will be more acceptable *sounding* solutions for accomplishing the same end result, including the new project name, Columbia River "Channel Improvement" project.

I-62. Comment noted.

We live a stone's throw from the Columbia River channel, in the historic site of Altoona, Washington. My husband, a Chinook Indian, was born and raised here, and we've resided here for over 66 years. During that time, we have witnessed and been affected by continual changes in the river's features, most of which have been created by the Corps. In the early 1950's, we could observe Astoria, Oregon without any visual obstructions, in contrast to today, as Rice Island looms higher and higher every year with dredge spoils.

My husband's Chinook Indian ancestors have always lived in this area, utilizing the Chinook salmon and other abundant fish species in their diets, and as a way to earn a living. He himself has gillnetted since he was 9 years old, learning the trade from his parents. All that time, he carried out his fishing between the Pillar Rock area and the mouth of the Columbia, most of it between Pillar Rock and to the Grays Bay, and along the Miller Sands area. As the years passed, one by one, the drifts had to be abandon because of shallowing of the river due to dredging, and the driving of pile dikes-all for the sake of "channel deepening, or if you will..channel "improvement"! We now look out our window and see ship waves breaking on sand bars where we used to drift with fairly deep gillnet gear. Other drifts are useless because of channel markers, etc. that have been installed to aid in ship navigation.

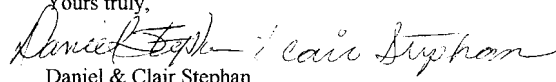
Worst of all, we lost the historic, former Columbia River Packers (later BumbleBee) cannery dock buildings which were knocked down and destroyed in November, 1998. We have every reason to believe that wakes from fast moving, deep draft ships contributed the that disaster. The wake varies with size and speed of the ships of course, but there are certain ones such as the Hanjin container ships that cause extreme wave action...pulling heavy drift logs off the beach, out under the dock area where they would lodge and knock out pilings. When the

I-63. Comment noted.

dock collapsed, a large log had wedged under a corner of the building where a large boiler stood, toppling several pilings. That corner went down, creating a domino effect as the whole structure sagged and fell into the river. Since there was no way to document which ships had passed in the night, it was impossible to file any kind of loss claims against anyone. But, it only stands to reason that after years of faster and deeper ship traffic moving up and down the river, and numerous incidents of these types where logs damaged the underpinnings of the structure, that the final blow would one day occur!

We spent years, and thousands of dollars replacing dislodged pilings in our attempt to preserve the old cannery. We contacted the U.S. Coast Guard and pleaded for speed limits to be imposed to reduce the damage, but to no avail. Our concern now, with the Corps (and the various Ports) plans to deepen the channel, is that there will be less and less concern for the facilities that exist along the shores, and for the people that enjoy recreation or attempt to earn their living in the once respected commercial fishing industry on the Columbia River. All indications point now to the number one priority being in the interest of bigger and faster ships for international commerce.

The proposed dumping sites along the lower Columbia River, including the Miller Sands area for "restoration" are really the last straw. It amounts to the loss in our particular fishing area of one of the best, and only gillnet drifts left! We haven't heard of any consideration in the plan to mitigate the loss to the fishermen! We have contacted the Corps in the past and requested dredge spoils be pumped on the beach in front of Altoona...as the fishing drifts have already been destroyed here! We urge you to strongly look for other ways to dispose of the spoils, including along the river's north shore between Pillar Rock and Harrington Point before you proceed to destroy yet more fishing grounds! We have always cooperated with the Corp in the past, allowing utilization of our dock as a staging area, and as a personnel loading convenience for Port of Portland crews. We have a plaque on our wall thanking us for that from the Port of Portland, but we would rather have some sand dumped here as a means to save the Miller Sands fishing drift!

Yours truly,

Daniel & Clair Stephan
1365 Altoona Rd
Rosburg, WA 98643

Cc: USCG

Corps of Engineers Response

I-64. The proposed restoration action would impact approximately 14% of the 1,629-acre Miller Sands Drift. Thus, the restoration action would not impact 86% of the area available for the drift. Some alteration in how the drift is fished would occur because of the pile dike structures and subsequent infill of material.

We have conducted an extensive review through our planning process of potential disposal sites in the project area. Disposal on the beach between Pillar Rock and Harrington Point would adversely impact shallow water habitat, including Critical Habitat as designated by the NOAA Fisheries for various salmonid stocks in the Columbia River. Consequently, state and federal resource agencies would not allow consideration of shoreline disposal other than at Miller Sands, Skamokawa and Sand Island at St. Helens, Oregon.

Corps of Engineers Response

From: Jere Albright [mailto:jereshome@kalama.com]

Sent: Saturday, September 14, 2002 9:43 PM

To: Willis, Robert E

Subject: Dredging the Columbia?

I-65 | I have lived near the Columbia River since 1946. In that time, I have seen untold thousands of acres of wetlands covered with dredges spoils from the Columbia River! I think that it's time we stop! As a youngster, I can remember untold numbers of Ducks and Geese, Beaver, Muskrat and various other wildlife in these areas. I used to spend hours hunting and fishing these areas! Now, they are gone forever! I wish that my Grandchildren could enjoy our area, as I once did! I say "NO MORE DREDGING!".

Thank You!
Jere Albright
Kalama, WA

I-65. The proposed project contains wildlife mitigation directed at off-setting project related impacts. The project also includes significant ecosystem restoration features directed at restoring historic alterations to important habitats along the lower Columbia River. In addition, many state, federal, local and non-governmental entities are currently directing their efforts at habitat restoration along the lower Columbia River. The Corps is participating in these efforts through various authorities provided through congressional action. The Corps hopes these various efforts are successful in partially restoring the lower Columbia River ecosystem.

Corps of Engineers Response

Patrick Huber
721 E. 11th St.
Davis, CA 95616

Dear USACE:

I-66 I am writing in regards to the proposed dredging of the Columbia River. We are currently at a crossroads for the fate of the native salmon runs in the Northwest. Many runs have dwindled to the point that they have to be listed as endangered. This proposed project displays an incomplete ecological analysis of the effects of this project on the Columbia River salmon runs. There can be little doubt that a project of this magnitude will have a significant impact on the salmon that use this river. While we are currently trying to find ways to bring the runs back from the brink of extinction, if this project will seriously impact the runs, we should table the proposal for the indefinite future. The analysis should look to future effects of this action, rather than just short-term ramifications. Further, the environmental analysis should take a hard look at the economic impacts to communities associated with the potential harm to the salmon runs. I feel that when these actions are taken, it will be seen that this project is too costly (ecologically and economically) to justify the large federal expenditure.

I-66. See response to I-5.

Sincerely,



Patrick Huber

LETTERS OF ENDORSEMENT

July 31, 2002

Ladies and Gentlemen:

Thank you for this opportunity to testify today.

I am Capt. Phillip Massey and I am a member of the Columbia River Pilots Assoc. I have made my living on the Columbia, Willamette and Snake Rivers and along the Pacific Coast for 36 years.

As an advocate of a deeper, safer channel I would like to address an irony that has been prevalent throughout the years that channel deepening has been under study. Over the past 50 years the general public has developed justifiable cynicism when dealing with government and big business. They were misled about Viet Nam, Watergate, Iran-Contra and so on. They have been lied to by Tobacco, Big Oil and most recently Enron, Arthur Anderson, World.Com and others. Many of us have come to believe that government and big business lie, while environmental groups tell the truth. The irony is that during the many years of studying channel deepening the opposite has been true.

The opponents have told the public that this project is a rush job. For over 12 years this project has undergone study after study by government, industry, public, environmental and media entities. I shudder to think of how many millions of taxpayer dollars have been wasted on restudies and studies of the restudies. It made sense 12 years ago and it makes sense today.

The opponents have ranted about polluted, toxic, even radio active dredge spoils. While there are contaminated areas along the banks of the Portland harbor, the Columbia dredge materials have a long history of being used for construction projects, public parks and beaches and even children's sand boxes.

Environmental extremists would have us believe the river is in this downward spiral. That is just not true. Mill discharges are the cleanest they've ever been; city and town discharges are the best they've ever been. Tugs, ships and recreational vessels now contain all their wastes on board to be properly disposed of ashore. When I started on the river you could go months without seeing a Bald Eagle. Today the sightings are daily; along with Osprey, Herons, Mallards, Swans Terns and dozens of others birds that make their living from a healthy river. And one might ask: If all the fish are gone, what is this exploding population of birds eating?

Self appointed shipping experts say that ^{it} is ridiculous to have ships come 100 miles inland to deliver and receive cargo. I would ask those 'experts' to take a look at a map. Find out how many hours it takes to get ships to and from large ports like Houston, New Orleans, Baton Rouge, even New York and Baltimore. Look at how many miles Seattle, Tacoma, and Vancouver, B.C, are from the open ocean. The fact is our six to eight hour transit times for tankers, bulk carriers, and container ships are very competitive with other West Coast Ports.

Dreamers continue to tell us that our efforts should be dedicated toward Astoria. I was once an advocate of that myself. Twenty years ago there was an effort to locate a super grain terminal at Astoria, and supply it almost entirely by upriver barges. Turns out shippers don't want to be obligated to just one mode of transportation - they need to have the option of rail and trucks. Today grain terminals need to be able to process 100 car unit trains; having space for 300 to 600 rail cars. Container facilities need even more rail car space along with space for hundreds of trucks and thousands of containers. The impact and expense of building a heavy-duty two-rail line and a four lane modern highway to Astoria would be many, many times that of developing and maintaining the river channel. On your next drive to Astoria take note of the mile~~g~~ after mile of sensitive wetlands the highway and rail would pass through, and try to imagine the bridges, trestles, and fill that would be required. Millions of Oregon Lottery dollars were spent dredging the Tongue Point docks and turning basin and to this day the only revenue that facility generates is the storage of a few barges. I am told the area has filled back in. Moving the region's shipping needs to the mouth of the river is such a ridiculous fantasy it merits absolutely no further comment or consideration from anyone.

Those who think they know a lot about economics have said Portland and Vancouver should abandon their pursuit of bulk cargoes and containers, and go after niche cargoes. I would like to point out it is the niche cargoes that have failed us. The Fiber Optic Cable dock has quit, the aluminum ore docks are down, and logs and lumber are a fraction of the past. We can not support more than 40,000 family wage jobs and billions of dollars in taxpayer owned port facilities with Pendleton Shirts and Intel Processors.

Even with all the misinformation the public has been fed, a strong majority still supports a safer, deeper channel. Our area is suffering far more than other West Coast Ports. The world has heard of dam breaching, drought problems and channel opposition, and the message has been the Columbia Ports are closing for business. It is vital to make up for lost time and money and move ahead with this project with all speed.

COLUMBIA RIVER PILOTS

13225 N. LOMBARD
PORTLAND, OREGON 97203
503-289-9922
FAX 503-289-9955

Colonel Richard Hobernicht
Commander, USAED-Portland
Attn: CENWP-PM-F (CRCIP)
P.O. Box 2946
Portland, OR 97208-2946

August 31, 2002

Re: Letter in SUPPORT of Channel Deepening

Colonel Hobernicht:

I am a Dispatcher for the Columbia River Pilots. In addition to other tasks, one of my responsibilities is determining when- and if- deep draft vessels can safely transit the river. As such, I am very much aware of how ships are influenced by tide, river levels and the restrictions imposed by the current 40-foot navigation channel.

It has been established that a 43-foot channel will greatly benefit the region's commerce by allowing existing vessels to load more as well as making it feasible for the next generation of ships to call here in the future. **A deeper channel will also provide significant savings for today's ships by reducing the costly delays incurred while waiting for tidal sailings.**

Even with drafts of 38-feet, many ships now loading in the river are routinely delayed as they wait for appropriate sailing 'windows'. Depending on tidal conditions and the occurrence of shoaling or sand waves, these delays can range from a couple hours to as long as 24 hours while ships wait for adequate river levels. The costs incurred from these delays can be substantial and result from tug standby expenses, shifting charges, dockage fees and vessel idle time. These costs will be dramatically reduced with the expansion of favorable sailing windows made possible with a 43-foot channel.

Most important, all ships will recognize a much greater margin of safety while operating in the Columbia River due to an immediate improvement in handling capabilities. Although cost savings are frequently cited as the basis for this project, the increased safety benefits of a deeper channel are rarely, if ever, mentioned. The river pilots require a minimum two-foot under keel clearance to facilitate safe ship handling. By increasing the channel depth three feet in places, ships gain an additional cushion of water that will greatly enhance their handling characteristics, resulting in a much safer operation on the river.

These conditions are equally important for inbound vessels with draft. Presently, loaded ships drawing 36-feet or more are required to arrive in Astoria two hours prior to high water, which allows transit up river on a flood tide. Most of the oil tankers that call here usually arrive fully loaded at their maximum draft of around 36-feet or more. A deeper channel will help these deeply laden ships to avoid anchoring off the coast time or slow steaming to wait for favorable tides. Once in the river, they will also recognize a much safer transit due to improved ship handling.

For these reasons, it is crucial for the region's continued environmental protection and economic viability to proceed with the deepening of the Columbia River navigation channel.

Sincerely,



Dan Butler, Dispatcher
Columbia River Pilots



September 4, 2002

Colonel Richard Hobernicht
Commander, USAED – Portland
Attn: CENWP-PM-F (CRCIP)
PO Box 2946
Portland, OR 97208-2946

Re: Channel Deepening

Dear Sirs:

I am writing to address the importance of the Columbia River Channel Deepening project, both for the Port of Vancouver, USA and for the Columbia River region as a whole. Maritime trade is perhaps the key force in the economic vitality of our region. We believe it is essential to ensure that international trade remains viable on the Columbia River.

Trade on the Columbia directly produces over 40,000 family-wage jobs. More than 1,000 businesses in our region, employing tens of thousands of people, use the Columbia and Snake River system to transport their products. Farmers in eastern Washington, Oregon, and 11 other western and midwestern states also depend on this amazing river system to move their products around the world; in 1999, for example, the Columbia-Snake river system handled 43 percent of U.S. wheat exports. That makes the Columbia River a vital part of the largest wheat handling system in the nation. The lower Columbia River alone is the second largest grain export system in the world.

Trade on the river system has a ripple effect on the rest of our region. In Vancouver alone, 5,500 jobs are directly tied to maritime and industrial activities at the Port of Vancouver, and the purchases of these workers adds \$124 million each year to our local economy. The Corps' cost/benefit analysis on channel deepening has conservatively estimated a \$1.50 federal benefit for every \$1 spent. By implementing this project, we will see immediate, direct benefits to river trade, as well as significant long-term benefits to the local and regional economy over and above the federal benefits.

Currently, Oregon has the highest unemployment rate in the country, with Washington a close second. In such difficult economic times, it is even more important that maritime trade remains a secure and growing economic force.

The Port of Vancouver and our partners in the channel deepening project are committed to both economic and quality of life benefits along the river. The recent biological opinions by the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) has determined that channel deepening can take place without any detrimental effects on protected river species – in fact, the river's ecosystem will be improved by restoration projects proposed in the plan, which go beyond mitigation to leave the river better than it was.



NMFS has already demonstrated its commitment to protecting the river ecosystem by withdrawing its 1999 Biological Opinion in order to incorporate the latest scientific information. The information included in the 2002 Biological Opinion clearly shows that environmental concerns will continue to be a priority for those involved in channel deepening, including adaptive management (monitoring) plans even after the project is completed.

Environmental restoration is not required but is encouraged under the Endangered Species Act. The proposed mitigation, which is required, together with the proposed restoration, points to the sincere intent of all parties to maintain and even improve the environment and the river system. Mitigation and restoration planned for the channel deepening project will not only sustain the current ecosystem, it will improve and strengthen its health. Achieving environmental gains from a project like this is a high standard to meet, but it is the right standard. These biological opinions make it clear that the channel deepening project will move forward in an environmentally responsible manner.

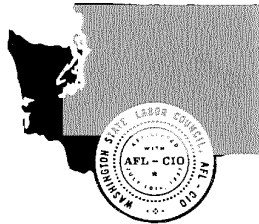
Channel deepening has broad-based support from businesses, labor unions, farmers, ports, and communities throughout the Northwest. Such strong and diverse support indicates how vital channel deepening is to our region's continued health and growth. I urge you to acknowledge this need and proceed with deepening the Columbia River channel.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Lawrence L. Paulson".

Lawrence L. Paulson
Executive Director, Port of Vancouver



Washington State Labor Council, AFL-CIO
314 First Avenue West
Seattle, WA 98119
206-281-8901
FAX: 206-352-9415

September 5, 2002

TO: Colonel Richard Hobernicht
USAED - Portland

FROM: Rick S. Bender, President *RSB*

SUBJECT: Columbia River Channel Deepening Project

On behalf of the Washington State Labor Council, AFL-CIO, and its 450,000 affiliated union members, I want to thank you for providing this opportunity to comment on the Draft Supplemental Feasibility Report and EIS for the Columbia River Channel Deepening Project, which is vitally important to the economic and environmental health of our region. At this point, it is clear that this project can and should move forward in order to benefit the Columbia River's economy and environment.

The Columbia River's navigation channel must be deepened in order to maintain the vitality of this transportation route and our region's trade-based economy, particularly during these difficult economic times.

Deepening the channel is critical to transporting the \$14 billion in annual maritime cargo and to sustaining the jobs, farms and businesses in this region. It will also ensure that the Columbia River can accommodate the larger, more fuel-efficient ships that are increasingly dominating the world's trade fleet.

This project has broad-based support from labor unions, farmers, ports, businesses and communities throughout the Northwest. Over 40,000 local family wage jobs are dependent upon, and another 59,000 Northwest jobs are positively influenced by, Columbia River maritime commerce. Over 1,000 businesses rely on the Columbia to transport their products around the world.

The vitality of these jobs and businesses require cost-effective maritime transportation. Without a deeper channel, farmers and businesses will be damaged and many jobs lost. The economic benefits are large and diverse; rural and urban, east and west, Washington and Oregon, all will be impacted by this project. I urge you to complete the necessary steps to ensure that the Columbia River Channel Deepening Project moves forward so that we may all begin to realize the benefits of its completion.

Thank you.

oneir/afl-cio



Administration Annex • 207 North 4th Ave • Kelso, WA 98626-4195
(360) 577-3041 • Fax (360) 425-7760 • www.cwcog.org

September 5, 2002

Colonel Richard Hobernicht, Commander
U.S. Army Corps of Engineers
P.O. Box 2946
Portland, OR 97208-2946

Attention: CENWP-PN-F (CRCIP)

Re: Input Regarding the Columbia River Channel Deepening Project and Draft Supplemental
Integrated Feasibility Report and EIS

Dear Colonel Hobernicht:

We appreciate the opportunity the Corps of Engineers has provided to gather more input regarding the Columbia River Channel Deepening Project. The project has been of keen interest for the local governments and other interests of the Cowlitz-Wahkiakum region for many years. It has been on the COG's list of federal issues for most of the last ten years and has been in the top ten on that list. It is an issue that will have long term affects upon the local governments, communities and citizens of this region in many ways, most beneficial but some of important concern.

The Columbia River deep draft navigation channel is an asset of national and international significance that provides strategic access to world markets that moved \$14 billion in cargo in 2000 alone. The channel enables industries in our region like Weyerhaeuser, Longview Fibre, Steelscape, and Kalama Export along with our public ports, to remain competitive in today's extremely volatile world trade scene. Of critical importance to this region, is that the industries that rely on the channel provide family wage jobs that are more difficult to create and even save today. In addition, channel commerce activity generates millions of dollars annually in state and local taxes through Cowlitz County ports that support our schools, public services and infrastructure. We think the technical review panel's findings on the project's benefit-cost bear this out; the benefits should be even greater at the regional level than the national scope of the original evaluation.

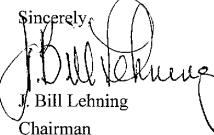
Counties of Cowlitz and Wahkiakum • Cities of Longview, Kelso, Kalama, Woodland, Castle Rock and Rainier, Oregon • Town of Cathlamet
• Ports of Longview, Kalama, Woodland and Wahkiakum #1 & #2 • PUDs of Cowlitz and Wahkiakum Counties • School Districts of Longview,
Kalama, Kelso, Woodland and Castle Rock • Beacon Hill Sewer District • Cowlitz 2 Fire & Rescue • Lower Columbia College • Lower
Columbia Community Action Council • Cowlitz & Lower Columbia Economic Development Councils • Longview Housing Authority

Colonel Richard Hobernicht, Commander
September 5, 2002
Page 2

As you are well aware, concerns have been expressed by Wahkiakum County and the lower river ports and communities as to the potential impact of the channel deepening project and the effects of the existing navigation channel and shipping activities. These concerns and impacts to lower river ports and communities need to be addressed. Among these are insuring that erosion damage to Puget Island is addressed as soon as possible along with the siltation of side channels and Grays Bay that has impeded navigation access to ports and marinas and influenced flooding in river tributaries such as the Grays River. Wahkiakum County and the lower river ports group have not been idle, waiting for a "rescue." They have taken the initiative to coordinate the examination of environmental situations in the lower river and are identifying various needs and projects that should be pursued if and when the channel project moves ahead. The Columbia River Channel Coalition, through its board members and staff, have been working with the lower river group to address their concerns and how to solve some long ignored issues noted above.

Now, the channel deepening project is at a critical stage of moving ahead. Now more than ever, we stress its importance to the shaky regional economy and the fact that positive steps are underway to resolve impacts to the lower Columbia region. The Cowlitz-Wahkiakum Council of Governments, at its meeting on August 22nd, once again discussed the project, its status, its positive impacts and concerns of lower river groups and communities. Our conclusion: we urge the Corps of Engineers to proceed with the project and implement mitigation measures to resolve project related issues in the lower river.

Again, thank you for making available this opportunity to comment.

Sincerely,

J. Bill Lehning
Chairman

JBL:SHH:nh

cc: Representative Brian Baird, U.S. Congress
Senator Patty Murray, U.S. Senate
Senator Maria Cantwell, U.S. Senate

007 Channel Letter to COE sh09-022



September 6, 2002

Commander, USAED-Portland
Attn: CENWP-PM-F (CRCIP)
PO Box 2946
Portland, OR 97208-2946

Re: Columbia River Channel Deepening Project

Dear Sir,

I am writing on behalf of the Portland Business Alliance (the Alliance). The Alliance is the outgrowth of the merger of the Portland Metropolitan Chamber of Commerce and the Association for Portland Progress. We represent over 1700 Portland area businesses, from large global corporations to small local companies.

We want to express our strong support for the proposal to deepen the Columbia River Shipping Channel. This is an issue of utmost importance not only to our members but also to the entire region. Conservative estimates are that over 40,000 jobs in this region and state are dependent upon maritime activity flowing through the Port of Portland.

The Columbia River basin and the international trade that flows through it is a key component of the economy of the Western United States. The Corps Environmental Impact Statement does an excellent job of analyzing the benefits to the region and the nation of deepening the channel.

The Pacific Northwest is a major producer of agricultural and manufactured goods that are exported to world markets. Portland, Oregon is the second largest export port on the West Coast. These exports bring external dollars into the region and the country; they help the balance of trade between the U.S. and our foreign trading partners.

The economic benefits of the Columbia system spread beyond the western valleys to rural Oregon and Washington. In addition to the export of wheat and other commodities, the Port is the gateway for value added food processing, a growing industry in the Pacific Northwest in large part because of the container-on-barge system created by the Columbia River system. These family wage jobs are important to the diversification of the rural northwest's economy.

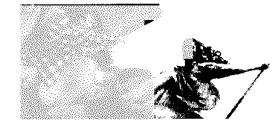
For all these reasons, we urge the Corps to proceed with the Columbia River Channel deepening project.

Sincerely,

Judy Pepper
Judy Pepper
Chair, Public Policy Committee

SEP 04 2002

DOWNTOWN OFFICE: 520 S.W. Yamhill Street, Suite 1000 • Portland, Oregon 97204 • 503-224-8584 • Fax 503-323-9185
CHINATOWN OFFICE: 221 N.W. Second Avenue, Suite 300 • Portland, Oregon 97209 • 503-228-9411 • Fax 503-228-5126
www.portlandalliance.com



The office of
Vera Katz
Mayor Portland Oregon The City That Works

September 9, 2002

Commander Hobernicht
USACE-Portland
Attn: CENWP-PM-F (CRCIP)
P.O. Box 2946
Portland, OR 97208-2946

Dear Commander Hobernicht:

I appreciate the fact that the U.S. Corps of Engineers took the time and effort to conduct a Supplemental Environmental Impact Statement (SEIS) on the Columbia River channel deepening, and I am pleased that you are holding public hearings to ensure that the process remains open and transparent.

Deepening the Columbia River channel to accommodate larger container vessels is a necessity if the Port of Portland is to remain competitive with other West Coast ports for container service in the 21st century. This is not a luxury item to boost trans-Pacific trade. This is about preserving access to world markets for our community and economic health of our region.


I am pleased that the SEIS has demonstrated a positive economic benefit of the project. The revised 1 to 1.5 cost-benefit ratio reflects strong national benefits despite recent downturns in international markets. In addition to these national benefits, this project will support the over 40,000 regional jobs and 1,000 businesses dependent on maritime trade. Direct container service through Portland will save these businesses over \$68 million a year.

It is imperative for the Corps and its partners to ensure that the project is not done at the expense of the treasured ecosystems of the Lower Columbia. The fact that NOAA Fisheries and the U.S. Fish and Wildlife Service have issued "no jeopardy" opinions on the Columbia River channel deepening project illustrates that the necessary environmental steps are falling into place. The City looks forward to future environmental review of the project.

With warm regards,

Vera Katz
Vera Katz
Mayor

SEP 04 2002

 1221 SW 4th Avenue, Suite 340
Portland, Oregon 97204-1995
Phone: 503-823-4120 Fax: 503-823-3588
TDD: 503-823-6868 www.ci.portland.or.us/mayor/

The City of Portland

Portland's Mayor: Vera Katz

I am Peter Williamson, Executive Director of the Port of St. Helens, representing the Port District. We are a sponsor of the proposed deepening project. Thank you for providing this chance for public comment on the Draft Supplemental Feasibility Report and EIS for the Columbia River channel deepening project, which is vitally important to the economic and environmental health of our region. With the completion of the Biological Opinions (by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service) and the completion of these Draft Supplemental reports, it is clear that this project can and should move forward to benefit the Columbia River's economy and environment.

CHANNEL DEEPENING IS IMPORTANT FOR OUR ECONOMY.

We must deepen the Columbia River navigation channel from 40 to 43 feet to maintain the vitality of this transportation route and our region's trade-based economy, especially during these difficult economic times.

Deepening the channel is critical to transporting the \$14 Billion in annual maritime cargo and to sustaining businesses, farms, and jobs in our region.

Deepening the channel will ensure that the Columbia River can accommodate the larger fuel-efficient ships that increasingly dominate the world trade fleet.

This project has broad-based support from businesses, labor unions, farmers, ports, and communities throughout the Northwest.

This project has the support of Columbia County's largest private employer, Boise and the Scappoose/St. Helens Chamber of Commerce.

Over 40,000 local family-wage jobs are dependent on and another 59,000 Northwest jobs are positively influenced by Columbia River maritime commerce.

This project will allow U.S. Gypsum to load their ships to 43' for raw materials at their new plant in Rainier. This will change the plant economics substantially.

Over 1,000 businesses rely on the Columbia to transport products around the world.

The vitality of these jobs and businesses require cost-effective marine transportation. Without a deeper channel, farmers and businesses will be damaged and jobs lost.

As the Supplemental Report estimates, the benefit-to-cost ratio for this project is strong with \$18.3 million in annual national transportation savings. I believe the estimates of \$1.46 in benefits for every \$1.00 in construction costs is actually quite conservative.

In addition, Northwest businesses and farms will gain major regional economic benefits from this project that cannot be and are not included in the Corps' analysis.

The economic benefits are large and diverse – rural and urban, east and west, Oregon and Washington – throughout our entire region.

Columbia River maritime commerce provides \$208 million dollars in state and local taxes that benefit communities throughout our region.

CHANNEL DEEPENING IS ALSO IMPORTANT FOR OUR ENVIRONMENTAL

This project will require dredging just 54% of the navigation channel – or only 3.5% of the total Columbia River between the mouth and Portland/Vancouver. The remaining areas in the channel are already naturally deeper than 43 feet.

This Supplement report is a key part of the project's extensive environmental review, which is important both to mitigating actual environmental impacts and to ensuring that we leave the river better off than it was before the project.

Achieving net environmental gains is a high standard for a project like this, but it is the right standard to apply. Ecosystem restoration will begin first. The project will restore areas not affected by the project.

The estuary and Ecosystem of the Columbia River are important and can be protected and enhanced while the channel deepening project advances.

An independent scientific panel was convened last year to review endangered species questions. The panel concluded that the deepening project will have no measurable negative effect on threatened and endangered fish in the river.

The Biological Opinions issued by National Marine Fisheries and U.S. Fish and Wildlife also demonstrate the environmental protections and benefits of this project.

It is significant that this report details beneficial uses for the clean sand dredged from the Columbia River. We must work to eliminate ocean disposal in order to protect crab and other ocean habitat, and this report demonstrates how this goal can be achieved.

The Port is scheduled to use this clean sand material for remediation of a former wood treatment facility, and for reclamation of an existing surface mine near the Scappoose Industrial Airpark which under current law is not required to be reclaimed by the current operations. This is in the area of Sauvie Island, and allows us to avoid negative impacts to the Wildlife refuge and provide these positive benefits to our local environment.

The Channel Deepening project will benefit our economy and our environment.

I urge you to finalize this Supplemental report and grant the pending regulatory permits and the Record of Decision to move this important project to completion.



1725 Ocean Avenue Raymond, Washington 98577 U.S.A.

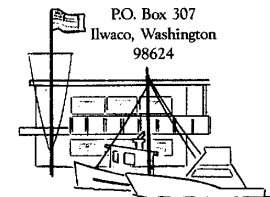
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Douglas D. Smith
Gerald J. Heintz

Jim Neva, Manager

Commissioners
FRANK UNFRED
chairman
PAUL C. POLILLO
secretary
JIM STIEBRITZ

PORT OF ILWACO



Mack Funk
manager

Area Code 360
Phone 642-3143
FAX 642-3148
www.portofilwaco.com

10 September 2002

Col. Richard Hobernicht
Commander, USAED-Portland
Attn: CENWP-PM-F (CRCIP)
P.O. Box 2946
Portland, OR 97208-2946

RE: Columbia River Deepening Project


Dear Col. Hobernicht:

The Port of Willapa Harbor would like to go on record in support of the Columbia River Deepening Project. We believe this is vital to the economy of the entire Pacific Northwest.

We cannot, as a region, remain competitive if ships are forced to leave our major ports without a full load due to an inadequate channel. This also has a great impact on the economy of the Midwest, which relies upon Northwest ports for shipment of their product.

We appreciate your efforts to move this project forward.

Sincerely,


Jim Neva, Manager
PORT OF WILLAPA HARBOR

SEP 04 2002
16

INDUSTRIAL SITES ON U.S. HWY. 101 • UTILITIES AND GENERAL CARGO DOCK
AIRPORT, COMMERCIAL FISHING AND RECREATIONAL BOAT BASINS

PHONE (360) 942-3422

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FAX (360) 942-5865

September 10, 2002

Col. Richard W. Hobernicht
Portland District Commander
US Army Corps of Engineers
PO Box 2946
Portland, OR 97208

Public Hearing on the Columbia River Channel Deepening Project

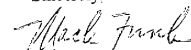
Dear Col. Hobernicht,

The Port of Ilwaco supports navigational dredging as an essential requirement for commercial activities. We strongly believe that dredge disposal practices should emphasize beneficial uses such as the placement of dredge material on Benson Beach in order to minimize the impact on crab fisheries.

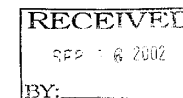
On September 3 the Port of Portland made a presentation in Ilwaco to tell us how they were using dredged material to improve wetlands. We learned that Multnomah County Oregon prohibits in-water disposal of certain dredged materials.

We understand that federal law requires you to employ the "least cost" option for dredged material disposal. I believe that the definition of least cost must be closely examined. For example consider how much money federal taxpayers are spending to undo the actions of the past in the swamps of Florida. Perhaps if the least cost was more carefully considered some of the "mistakes" made in Florida could have been prevented.

Sincerely,


Mack Funk

Cc: Davis Moriuchi



Kalama Export Company LLC

2211 N. Hendrickson Drive
Kalama, WA 98625
Phone: (360) 673-3900
Fax: (360) 673-3910

September 11, 2002

Colonel Richard Hobernicht
Commander, USACE- Portland
Attn: CENWP-PM-F
P.O. Box 2946
Portland OR 97208

Dear Mr. Hobernicht.

On behalf of Kalama Export Company, I am writing to express our support for deepening the lower Columbia River channel. It is vital to our region's economy that the channel depth be improved from forty to forty three feet.

Since this facility began operation in 1984 we have loaded more than 1600 Panamax class vessels with feed grains. This is almost 90 Panamax class vessels per year. On average due to present draft restrictions these vessels sail with 5700 metric tons of slack space. This is a 10% built in inefficiency.

A study done in 1993 determined that the loss of feed grain exports on the Columbia River would result in the loss of 763 regional jobs and \$54.5 million dollars in economic activity.

While, I have given you an example of our facility, Deepening the channel is critical to transporting the \$14 Billion in annual maritime cargo and to sustaining businesses, farms and jobs in our Region. Over 40,000 local family wage jobs are dependent on and another 59,000 regional jobs are positively influenced by Columbia River maritime commerce.

Deepening of the channel will not only mean more efficiency for existing vessels but also ensure that the Columbia River will accommodate the larger fuel-efficient ships of the future.

I urge you to finalize the supplemental report and grant the pending regulatory permits and the Record of Decision to move this important project to completion.

Thank you for the opportunity to share my views on the Columbia River Channel improvement project. Efforts by the Corp of Engineers to expedite completion of this important navigation improvement will be greatly appreciated.

Sincerely,



Steve Oakes
Vice President of Operations

SEP 04 2002
10:00



September 11, 2002

US Army Corps of Engineers, Portland District
Attn: Commander
USAED-Portland (ATTN: CENWP-PM-E)
PO Box 2946
Portland, Oregon 97208-2946

RE: Columbia River Channel Deepening

The Oregon Economic and Community Development Department has reviewed the US Army Corps of Engineers' Final Integrated Feasibility Report for Channel Improvements and Environmental Impact Statement (EIS). The Oregon Economic and Community Development Department supports deepening the Columbia River channel to 43 feet as proposed in the EIS. We offer the following comments concerning the economic impacts of this proposal.

Maintaining economically competitive ports on the Columbia River is a key to Oregon's economy remaining competitive in a global market. The Columbia River serves as a vital trade corridor for Oregon's manufactured goods and agricultural commodities as well as a large share of the nation's grain exports. In 1997, approximately 30 million metric tons of cargo valued at \$13 billion moved through the lower Columbia River ports. This is due in part to the lower Columbia River providing the shortest route to Asian markets for exports. Asian markets not only receive the majority of the waterborne trade from the West Coast, but have also served as a critical component of Oregon's economic growth during this decade. The Oregon Economic and Community Development Department believes it is necessary to maintain a strong and direct link to Asian and international markets in order to ensure Oregon's current and future economic health and diversity.

The Oregon Economic and Community Development Department supports the analysis and conclusion of the EIS and the supplemental reports. The reports document that overtime there has been growth in the level of waterborne commerce on the Columbia River. With this growth we have seen an increase in the average vessel size due in part to the efficiency gains for

Page 2: Columbia River Channel Deepening

shippers using larger, deeper draft vessels to transport bulk items such as grain as well as containerized goods. Without deepening the channel, these vessels cannot come into Portland fully loaded, thus making the Columbia River ports less competitive. This creates market pressure to utilize California and Puget Sound ports, increasing the costs of shipping cargo to and from Oregon. If the Columbia River channel is not deepened, Oregon companies will probably lose business to other locations with lower transportation costs and Oregon consumers will simply have to pay more.

Sincerely,

A handwritten signature in black ink, appearing to read "Michael A. Burton".
Michael A. Burton
Assistant Director



Cook, Marci E NWP

From: Willis, Robert E NWP
Sent: Thursday, September 12, 2002 8:37 AM
To: Cook, Marci E NWP
Subject: FW: C.R.Channel Improvement Project, Draft Int.Feas.Rpt. and

-----Original Message-----

From: betsey and thron [mailto:betr@seasurf.net]
Sent: Wednesday, September 11, 2002 3:36 PM
To: Willis, Robert E
Cc: perryd@portptld.com; robert johnson
Subject: C.R.Channel Improvement Project, Draft Int.Feas.Rpt. and EIS

Mr. Willis:

I attended the public hearing (referenced above) last night in Astoria and want to comment on an issue on which, as a Columbia River Bar Pilot, I might shed some light.

I cannot speak specifically to the beach erosion on Puget Island: that is the domain of my able colleagues in the River Pilots. However I can say that, from my point of view, ship speed and wake damage are not issues that will be exacerbated by deepening the channel to 43 feet. Deeper loaded ships are not necessarily faster or more hydrodynamically "incorrect". Speed, hull shape, channel topography and proximity to the bottom all contribute to wake formation.

Ships loaded to 43 feet travelling in the improved channel will no doubt travel at the same speed, and quite likely, absent turn wideners and the like, at slower speeds than now utilized. Slower speeds generally mean less wake.

There is constant research into the hydrodynamics of hull shape with a goal of reducing resistance thereby increasing efficiency (reducing fuel consumption)...reduction of resistance translates into less wake as there is a direct relation between resistance and wave formation. The better the hull design the less the wake. Bulbous bows and asymmetric sterns are examples of such improvements that come immediately to mind. No doubt more will follow considering the tremendous savings possible.

Channel topography is, to some extent, determined in the design phase. I presume that a similar percentage of ships will sail with minimum underkeel clearance in the 43 foot channel as now sail in the 40 foot channel.

Given the above, it is conceivable that less wake damage could occur on the river in the future, especially if the 43 foot channel is obtained.

As for safety, I doubt that a 43 foot ship in a 43 foot river (not bar) channel is appreciably more dangerous than the current 40 foot ship in the 40 foot river channel. In a similar vein, I imagine that better capacity utilization would result in less ships in the river, with less exposure to risk.

I am confident that the channel can be deepened in an environmentally responsible manner. Given the overwhelming evidence of economic and social benefits, along with an absence of demonstrably significant safety concerns, I urge that the 43 foot channel be pursued to completion.

Captain Thron Riggs
Columbia River Bar Pilots

Sep-12-02 11:41A ILWU LOCAL *

503-224-9310

P.01



International

LONGSHOREMEN'S AND WAREHOUSEMEN'S UNION

2435 N.W. FRONT AVE. PORTLAND, OREGON 97209 PHONE 503-224-9310 FAX 503-224-9311

Local 8

FAX MESSAGE

TO: Commander **Date:** 9-12-02
U.S. Army Corps of Engineers
Fax Number 503-808-4756
From: B. Holte
Total Number of Pages: 4

If there are any problems with this fax, please call (503) 224-9310

Open!!!

Supplemental Feasibility Report and EIS for the Columbia River channel deepening project, which is vitally important to the economic and environmental health of our region.

- **With the completion of the Biological Opinions by the National Marine Fisheries Service and the U.S. Fish and Wildlife Service, and the completion of these Draft Supplemental reports, it is clear that this project can and should move forward to benefit the Columbia River's economy and environment.**

CHANNEL DEEPENING IS IMPORTANT FOR OUR ECONOMY.

- **It is imperative that the Columbia River navigation channel depth be increased from 40 to 43 feet to maintain the vitality of this transportation route and our region's trade-based economy.**
- **Deepening the channel is critical to the handling of the \$14 Billion in annual maritime cargo that flows up and down the Columbia River and to sustaining businesses, farms, and jobs in our region.**
- **Deepening the channel will ensure that the Columbia River can accommodate the larger fuel-efficient ships that are dominating the world trade fleet.**
- **This project has broad-based support from businesses, labor unions, farmers, ports, and communities throughout the Northwest.**

- Over 40,000 local family-wage jobs are dependent on Columbia River maritime commerce and another 59,000 Northwest jobs are positively influenced by Columbia River maritime commerce.
- Over 1,000 businesses rely on the Columbia River to transport products around the world.
- The vitality of these jobs and businesses require cost-effective marine transportation. Without a deeper channel, farmers and businesses will be damaged and jobs lost.
- As the Supplemental Report estimates, the benefit-to-cost ratio for this project is strong with \$18.3 million in annual national transportation savings. I believe the estimates of \$1.46 in benefits for every \$1.00 in construction costs is actually quite conservative.
- In addition, Northwest businesses and farms will gain major economic benefits from this project that cannot be, and are not, included in the Corps' analysis.
- Columbia River maritime commerce provides \$208 million dollars in state and local taxes that benefit communities throughout our region.

CHANNEL DEEPENING IS ALSO IMPORTANT FOR OUR ENVIRONMENT.

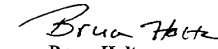
- This project will require dredging just 54% of the navigation channel – or only 3.5% of the total Columbia River between the mouth and Portland/Vancouver. The remaining areas in the channel are already naturally deeper than 43 feet.
- This Supplemental report is a key part of the project's extensive environmental review, which is important both to mitigating actual environmental impacts and to ensuring that we leave the river better off than it was before the project.
- Achieving net environmental gains are a high standard for a project like this, and it is the right standard to apply.
- The estuary and eco-system of the Columbia River are important and can be protected and enhanced while the channel deepening project advances.

- An independent scientific panel was convened last year to review endangered species questions. The panel concluded that the deepening project would have no measurable negative effect on threatened and endangered fish in the river.
- The Biological Opinions issued by National Marine Fisheries and U.S. Fish and Wildlife also demonstrate the environmental protections and benefits of this project.
- The channel deepening project will benefit our economy and our environment.
- I urge you to finalize this Supplemental report and grant the pending regulatory permits and the Record of Decision to move this important project to completion.

I appreciate the opportunity to submit comments for the record on behalf of the International Longshore and Warehouse Union, Local 8.

Sincerely,

INTERNATIONAL LONGSHORE &
WAREHOUSE UNION, LOCAL 8


Bruce Holte
President

INTERSTATE COLUMBIA RIVER IMPROVEMENT PROJECT (ICRIP)

P.O. Box 3529

Portland, OR 97208

Port of Kalama

Port of Portland

Port of Vancouver

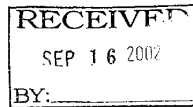
Port of Longview

Port of St. Helens

Port of Woodland

September 13, 2002

Mr. Robert E. Willis
Chief, Environmental Resources Branch
CENWP-PM-E
Post Office Box 2946
Portland District
U.S. Army Corps of Engineers
Portland, Oregon 97208-2946



Dear Mr. Willis:

We are writing on behalf of the Interstate Columbia River Improvement Project (ICRIP), which consists of the following ports: the Ports of Kalama, Longview, Vancouver, and Woodland in Washington and the Ports of Portland and St. Helens in Oregon. We are pleased to serve as the non-federal co-sponsors for the Columbia River Channel Improvement Project and stand ready to fulfill our obligations as required for a federal navigation project.

We would like to reconfirm our support for the modified Columbia River Channel Improvement Project, as described in the Draft Supplemental Integrated Feasibility Report and Environmental Impact Statement (IFR/EIS).

We support the proposed project including modifications made as a part of the Endangered Species Act consultation and subsequent Supplemental EIS, which will provide improved habitat for Lower Columbia River endangered fish and wildlife. The preferred project alternative beneficially uses dredged material to create habitat, avoids ocean disposal for project construction, and delays ocean disposal of maintenance material for up to ten years. The ecosystem restoration features, adaptive management, monitoring and ecosystem research added to the channel project ensure the project meets the high expectations of the citizens of this region for an environmentally sound and economically viable project.

All six sponsors continue to support the recommendation to delay the construction of the Willamette River channel improvements until resolution of sediment cleanup issues associated with its designation as a federal National Priorities List site under the

September 13, 2002
Mr. Robert E. Willis
Page 2

Comprehensive Environmental Response, Compensation, and Liability Act. We understand that at that time additional engineering and environmental review would have to be pursued for the Willamette channel improvements to be constructed.

The sponsor ports look forward to entering into a Project Cooperation Agreement (PCA) with the Corps of Engineers prior to construction of the project. The sponsor ports are capable of funding our obligations for cost sharing the proposed project. The states of Oregon and Washington have both appropriated the necessary non-federal cost share for the Columbia River navigation project. Specific details will be provided in the sponsors' financing plan to be submitted with the PCA.

We urge the Corps to complete the steps necessary to bring the project to construction as expeditiously as possible. We stand ready to carry out our obligations as non-federal sponsors.

Sincerely,

Bill Wyatt
Oregon Sponsor Representative
Executive Director
Port of Portland

Lawrence L. Paulson
Washington Sponsor Representative
Executive Director
Port of Vancouver USA



WASHINGTON WHEAT COMMISSION

907 W. Riverside Avenue • Spokane, Washington 99201-1006
(509) 456-2481 • FAX (509) 456-2812

September 13, 2002

Colonel Richard Hobernicht
Commander, USAED-Portland
Attn: CENWP-PM-F (CRCIP)
P.O. Box 2946
Portland, OR 97208-2946

Dear Colonel Hobernicht:

On behalf of the Washington Wheat Commission (WWC) and the Washington Association of Wheat Growers (WAWG), we express appreciation for the opportunity to provide comment on the Draft Supplemental Feasibility Report and the EIS for the Columbia River channel deepening project; a project that is vitally important to the economic and environmental health of our region. We support the deepening of the Lower Columbia River channel.

Portland is THE largest wheat export port in the U.S. and the second largest grain-exporting center in the entire world. A large share of this exported wheat originates from Washington farms. Over 85 percent of our wheat production is exported to customers around the globe with the Washington wheat industry ultimately generating over one billion dollars to Washington's economy alone. Thus, there are clearly regional benefits to the project.

This project is also of national significance as grain from across the country moves through the Lower Columbia gateway. Competitor grain exporting nations are continually enhancing infrastructure to meet changing transportation needs and to increase efficiency. Now, with the completion of the Biological Opinions and Draft Supplemental reports, it is clear the project can and should move forward so that the U.S. can likewise meet its regional and national transportation needs.

It is encouraging that the environment will also benefit from the project. We note the conclusion of an independent scientific panel last year that the deepening project will have no measurable negative effect on threatened and endangered fish in the river. Likewise, beneficial uses of the clean sand dredged from the Columbia River have been detailed.

Please note the Washington wheat industry's support of the deepening project. We encourage the granting of regulatory permits and the Record of Decision to move this important project to completion.

Sincerely,

James R. White
Chairman
Washington Wheat Commission

Bruce Nelson
President
Washington Association of Wheat Growers

September 10, 2002

Commander USACF
Portland, Or.

In regard to the deepening of the Columbia River channel, I am totally in favor. As a long time resident of the coast I can remember fishing interests and others, opposing each and every opportunity to improve the economics of the region.

Commercial fishing out of Astoria has been declining for many years. Canneries etc. have been closed or have moved to other locations. The thousands of sport fishermen that depend on the lower Columbia provide economic support for the area,

Astoria needs to attract some type of industrial activity that will provide jobs. The Columbia is, and has always been a great asset. Lets use it to full advantage.

Keith Olds
715 S. Franklin
Seaside, Or. 97138

- My name is Tony Galati. I'm the district manager of Hyundai America Shipping Agency which is a wholly-owned subsidiary of Hyundai Merchant Marine based in Seoul, South Korea. Hyundai has been my employer for the last 14 years. Our container ships call weekly in the Columbia River.
- I am grateful you have provided this opportunity to speak to the issue of Columbia River Channel deepening. It is something I think is economically essential to the region.
- Since graduation from college 23 years ago, my livelihood has been derived, almost exclusively, from Columbia River-generated commerce. I am on intimate terms with the needs of producers, suppliers, importers, exporters, and especially shipping lines, whose profitabilities are also centered on a viable channel.
- While I can't speak to some dimensions that this channel deepening issue involves – because I'm not an expert on the technical and environmental sides of it – there are two points I would like to specifically address, points that I am qualified to answer to.
- The first is this: I was hired 14 years ago by Hyundai when Hyundai decided to resume active calls at the Columbia River. We have had weekly calls ever since, and the likelihood is that those calls will continue well into the future, given certain conditions. One of those conditions is very simple: a channel that is deep enough to safely accommodate a newer generation of ships. 14 years ago this was not so much of a problem, although at that time, periodically, the timing of transit of fully loaded ships was oriented to tidal behavior to ensure enough clearance for safe transit. The big difference between then and now is the fact that today's vessels are much larger and carry deeper drafts and channel depth has become a constant, rather than periodic, issue.
Today's ships are 2 and a half to 3 times larger than ships back then. A direct consequence for Hyundai today is that we are now sailing, after loading at Portland, 11 to 16 percent lighter than actual vessel capacity. This is a huge sacrifice for Hyundai to make to continue to service this market, but it demonstrates the importance they have identified with this region. Nevertheless, it could be a transitory thing

because it's clear that, with newer technologies, as vessels sizes grow, unless the Columbia River meets new demands this region will no longer be able to compete for direct container vessel service. An additional 3 feet in the channel would give us, and our competitors, a significant edge in maintaining direct calls.

- That leads to my second point: should transit of vessels become impossible, this region, in my opinion, would face insurmountable problems. Space on container ships is a limited thing and the ocean freight we charge is relative to a simple supply and demand structure. When vessel capacity is in heavy supply, ocean freights are low, and when vessel capacity is limited, rates go high. There are currently 3 Transpacific carriers offering container service in the Columbia River, and several others who lease space from us. Losing routine and competitive service here, in other words "limiting supply" would have an awful impact on this region because it would permanently raise ocean freight rates and render many of the commodities produced here uncompetitive with other regions on the west coast. Some high value commodities would be able to absorb higher costs, but many of the lower valued cargoes would not, at least consistently, simply because a substantial increase in transportation costs would make those commodities unattractive to foreign buyers who will be able to buy more cheaply from other, and likely foreign, sources.
- I urge you to grant the permits and approvals to move this project to completion. Thank you for listening to me.

From: Robert Johnson [mailto:realjohn@pacifier.com]
Sent: Thursday, September 12, 2002 7:23 PM
To: Robert.E.Willis@usace.army.mil
Cc: perryd@portptld.com; Sebastian DEGENS
Subject: Channel Deepening

CHANNEL DEEPENING COMMENTS:

Dear Mr. Willis:

After attending the Channel Deepening meeting in Astoria Sept. 10th I am compelled to comment on a few points relating to this project. I make these comments as an active Columbia River Bar pilot and one intimately familiar with the daily workings of commerce on the River. Further, I was the Time Charter Operations Manager for a major grain trading company earlier in my career giving me insight into the business of shipping.

The need for channel deepening is obvious and paramount to the continued commercial viability of the Columbia River. The economic engine to Northwest business provided by international trade is irrefutable. A large percentage of the containers leaving the River are carried on ships which can only be partially load due to draft restrictions. The large main haul lines going to the Far East, the home of our largest trading partners, will without question load deeper and utilize the deeper channel. Panamax bulk carriers carrying feed grains will be able to load cubically full at about 43' so will utilize the deeper channel. We are presently losing significant volumes of potash exports because panamax vessels are loaded in Canada rather than Portland due to the 40' draft restriction. Handymax bulkers are becoming a much bigger portion of the vessel mix in the bulk trades. With a load draft of about 38' they will utilize the deeper channel to widen the window of when they can transit the River saving valuable time. As one on the bridge guiding these large vessels with very close underkeel clearance and setting the restrictions on their sailings I know how the River system is being pushed and the regular need for a deeper channel. Recently the Bar Pilots had a request to load a ship to 39' in Portland and bring it to Astoria for further loading. This was not done because it is not a safe or an economically viable practice. We need a deeper channel so fully loaded ships can transit the River to sea.

My chartering experience taught me much about shipping economics. I find the comments in the press and bandied about in the public that "the benefits of channel deepening will be reaped by foreign shipping companies" to be far from reality. What is actually said in the study is that foreign containership operators will benefit. In the short run that may be true. They will gain the initial profit. However competition will soon drive down rates and the gain will be shared by all the parties utilizing container transport. In the bulk arena, charter market competition in the transpacific trade will translate quickly into lower freight rates. In commodities trading, where a few cents per unit can be the profit margin, a lower freight rate will make American commodities and the Columbia River more competitive in the international market.

The debate over channel deepening has been long and arduous for all sides. Much ground has been given by people with vastly different views. We are at an equitable middle point and it is now time to put the plan to action and move forward so the benefits of a 43' channel can start to be gained.

Thank you.

Capt. Robert W. Johnson